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**‘Nobody Beats An Obedient Woman’  
State and Non-State Responses to Violence Against  
Women In Tajikistan**

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UNIVERSITY OF SUSSEX

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Doctor of Philosophy

‘NOBODY BEATS AN OBEDIENT WOMAN’: STATE AND NON-STATE RESPONSES  
TO VIOLENCE AGAINST WOMEN IN TAJIKISTAN

**Abstract**

This study explores the issues of subordination of women in Tajikistan through studying the phenomenon of violence against women. This study presents a socio-legal analysis of the responses of state and non-state institutions and how the justice system works for women, this study engaged in the feminist discourse on women’s individual experiences of violence, the ‘woman question’ in public and private, the construction of law and its effect on women and their subordinate position and how the laws and the legal and executive mechanisms construct the culture of inferiority of women in society. It employed qualitative methods of data collections, such as interviewing and participant observation along with a questionnaire. It draws on theoretical studies and the empirical work conducted in Tajikistan to present its findings. Theoretical input allows drawing on explanations and experiences provided in studies of VAW in other societies and empirical input allows placing them within the context of Tajikistan. This gives an opportunity to explore the interplay between hierarchical and structural basis of gender relations and women’s individual experiences of violence.

This study explores the power of societal norms and values pertaining women’s subordination and male domination on individuals’ perceptions of VAW and their responses to it. It analyses the socio-economic and legal context in Tajikistan and its influence on women’s daily lives. This context also determines the choices women victims of violence are given and impacts women’s decisions whether or not to seek solutions. The study establishes that the focus on increasing awareness of legal rights, or introducing new laws and making changes in the law, cannot in themselves provide

women with long-awaited responses to the violence they experience. Changing the law, introducing well-developed law would be significant step forward but has to be accompanied by measures to bring a fundamental shift in attitudes. This study emphasises that the responses should encompass a number of initiatives and presents some examples of these.

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## **Glossary**

Aib	Sin
Arvogon	Ancestry
Domashnee nasilie (Russian)	Domestic violence
Gorachaya liniya (Russian)	Hotline
Gorotdel (Gorodskoi otdel)	Municipal Police Unit
Kalyn	Bride Price
Khujum	Anti-Veil Campaign
Khushnut alaihi zanon (Tajik)	Violence against Women
Khushunati oilavi (Tajik)	Domestic Violence
Kismat	Fate
Konstitutsionniy Sud	Constitutional Court
Krizistniy Tsenter	Crisis Centre
Likbez	Liquidation of Illiteracy
Mahala	Community
Majlis	Gatherings/Meeting
Majlisi Oli	Parliament
Mardina	‘Real’ Man
Nikoh	Traditional Practice for Marriage
Nomard	Coward (in reference to man)
Parandja	Veil
Qobil	Skilled/Hard Worker
Sejib	Big traditional spoon

Shuroi Zanon	Women's Union
Sohib	Master/Lord
Tashkili	Feast/party
Uchastkoviy	District Militia Officer
ZAGS	Registry Office
Zan	Woman, also wife
Zhensoveti	Women's Council
Zot	Ancestry, family lineage

## **Table of Statutes**

The Criminal Code of the Soviet Socialist Republic of Tajikistan (Tajik SSR), 1961

The Criminal Procedure Code of the Soviet Socialist Republic of Tajikistan, 1961

The Family Code of the Soviet Socialist Republic of Tajikistan, 1964

The Criminal Code of the Republic of Tajikistan, 1998

The Criminal Procedure of the Republic of Tajikistan, 2010

The Constitution of the Republic of Tajikistan, 1994

The Family Code of the Republic of Tajikistan, 1998

# 1. Introduction

## 1.1. Introduction: 'Nobody Beats an Obedient Woman'<sup>1</sup>

*'My husband clasped and held my head under the cold water in the bathroom. I had had an operation on my throat a few months ago and I was not allowed to scream or shout loudly. He knew that but continued with it. I felt like I couldn't breathe anymore. My elder son was there; he was so shocked that he fainted. The only reason he [the husband] stopped is because my neighbour heard a noise and knocked on the door. I opened it and he asked yanga soz (sister-in-law<sup>2</sup>), is everything ok? I said everything was fine. I actually feared my husband because, on several occasions, he threatened me with a knife. It was too embarrassing and shameful to say I was not OK; also, I feared it would get worse. He left, and my husband continued hitting me. I managed to get away and go to my neighbour's place. He followed me there. She [neighbour] stood in front of me to stop him from beating me, but instead he started hitting her too. She is a widower, so has no one to protect her. My husband left, he went to my house, it's my house, my sister bought it for me, but he did not feel uncomfortable and went back there. I couldn't go back. During that period my brother was staying with us. He lives in another city, but came to visit us. But when the beating happened he was not in; he was out seeing his friend. I called my brother and told him my husband was hitting me. I spent many hours at my neighbour's place and, after my brother called, I returned home. I returned to the house with my brother. My brother entered the house, greeted my husband and didn't do anything. I wanted him to have a man to man talk with him but didn't insist. I didn't want to make my brother feel uncomfortable. I wanted my brother to be there, I felt more comfortable. I was scared of my husband that he might kill me. It was enough for me to know that my brother was there, while he is there my husband would not touch me in front of him and I could return home from work knowing that my brother is there. When we came my husband was still there, lying on a sofa as if the house belongs to him. I wanted my husband to leave, but he wouldn't leave the place. I didn't know how to force him to leave. He knows it's not his place, but he didn't want to leave. My husband was going to go to see his parents; they live in another city. I said you can stay with them, but he told me, he comes to this house not because of me, but because of my children. He said if he leaves he would take my children away as well. This time, I said take them. All these years he never bothered to buy anything for them or for the house, so I told him I would see how he would manage to take care of them. I didn't tell my parents, and my older sister, because they would worry, but I told my younger sister about what happened.'*<sup>3</sup>

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<sup>1</sup> This is a popular saying encountered often during the fieldwork. The first time it was mentioned was during an interview with F30.

<sup>2</sup> A formal way of referring to a married woman, particularly if a neighbour.

<sup>3</sup> At the present time Gulangez continues living with her husband; he promised her he would leave and never did. She is not sure that it would be best for her if he left because she thinks people would talk and blame her. Interviewee F15.

*'When I was younger, quite often, I thought about running away ... I even dreamt about asking my older brother to buy me a small flat in the same city where he was and quietly taking my children and going there to live. I was sure I would be able to find a job there and make a living for myself and my daughters. I didn't want my husband to know that, because I feared he would prevent me or wouldn't let me go or take my children away ... but I never had a chance to talk to my brother alone. So I couldn't make my dream come true ... I stayed, and then the war started, my brother became a refugee so there was no chance for me to leave ... I stopped dreaming ... where would I go? My parents' house was already crowded, there was no chance they could accommodate me and my daughters ... I left my husband once and went to my parents' home but, with my brothers' wives and their children, it was impossible for all of us to live in the same, small place. I felt a burden, so when my husband called, he didn't even bother to come and collect me and my children, I just agreed to return and I did. After that, I never tried again to leave ... Now it's too late, we [she and her husband] are both "old" and besides now I don't pay attention to what he [husband] says or does. I am used to it now'.<sup>4</sup>*

The stories above are not isolated cases but illustrations of women's common experience of violence in Tajikistan. For violence against women (VAW) is a widespread phenomenon in Tajikistan. According to the World Health Organisation two-thirds (67 percent) of women in Tajikistan are regularly exposed to some form of violence within the home.<sup>5</sup> Women are blamed and held responsible by society for the violence they experience. They are blamed because they caused, provoked or failed to avoid it. Women are also blamed for not taking action when they experience violence, but if they do take action they are 'labelled' as bad. Women face injustice and helplessness in dealing with their experiences of violence. 'Nobody beats an obedient woman' is in the title of the thesis. This reflects the vulnerable position of women in Tajikistan who have to submit to violence and live with the situation rather than leave the violent environment due to societal norms and expectations. The view that women are subjected to a beating only if there is a good reason is very widespread in Tajikistan. A 'good' woman would know how to behave and would therefore avoid being beaten. The gender norms require, therefore, that women remain submissive and the men dominate their womenfolk and keep them under control to avoid shame and embarrassment for the whole family. As a result women feel trapped in their situation.

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<sup>4</sup> Interviewee F18.

<sup>5</sup> World Health Organization (WHO). 2000. *Violence against Women: Report on the 1999 WHO Pilot Survey in Tajikistan*, Copenhagen: WHO Regional Office for Europe.

My interest in studying the issue of VAW in Tajikistan derives from my personal experience of witnessing violence inflicted on girls and women with whom I had close relationships. My interest grew when I started the LLM programme in International Criminal Law at the University of Sussex, where I became aware of feminists' views and theories on gender based crimes in conflict situations and later I developed an interest in VAW in non-conflict situations. As a result I decided to explore the issue of VAW in the specific context of Tajikistan. Studying VAW reinforced my belief that what is happening to women in Tajikistan is fundamentally wrong and action should be taken to change the situation. As in other countries, it is not only 'helpless' women who are victims of VAW and it is not 'abnormal' men and women who subject women to violence. VAW is deeply rooted in Tajik society and affects all individuals. Hence, all members of society have to confront the truth about themselves, their lives and ways of behaviour. This study is founded on the belief that if other countries have taken steps towards reducing the level of VAW, then Tajikistan could aim to do so. Women in Tajikistan also deserve a life free from violence and it is about time that they are offered a solution. A further underlying belief to this study is that societal norms depend on people and these norms can be changed if appropriate steps towards change are taken. It is clear that the elimination of VAW may not be possible, but it is possible to reduce the level of violence if Tajikistan develops appropriate mechanisms to tackle the issue. I hope that this study will contribute to the development of adequate responses to VAW, and provide women with real options for change.

This chapter gives an account of the prevalence of VAW in Tajikistan and briefly draws on the methodological difficulties involved in estimating its extent, which are discussed in detail in the subsequent chapter. It establishes that VAW is widespread, but there is still a lack of data that could provide an accurate picture of VAW in the country. This chapter also explains the terms and definitions used for the purpose of this study. The third part of this chapter explains the structure of the thesis.



## 1.2. Prevalence of VAW in Tajikistan

‘The number of women who are assaulted by their spouses will probably never be known’.<sup>6</sup>

Owing to the hidden nature of domestic violence or VAW, reliable estimates of the prevalence of this phenomenon are hard to find. VAW is not a new phenomenon in Tajikistan but it was only in the early 1990s that for the first time international and national non-governmental organizations brought into focus the issue of violence against women. Subsequently, the government launched a number of programmes directed at elimination of VAW in the private and public spheres. There are no current mechanisms in place for collecting statistical data on the prevalence of VAW in Tajikistan. Most of the data comes from international and national NGOs. These reports remain a valuable source of information as there are no official data provided by governmental institutions. However, these reports are limited in scope and concentrate only on specific geographical areas. It is a challenge to obtain accurate information on VAW not only because of the lack of official data but also owing to the personal nature of the experience and the different motives that prevent people from coming forward. This is discussed in subsequent chapters.

Presently, much of the current efforts of international and national NGOs are focused on wife beating and battering in the country, while no attempts are made to study and collect data of violence at home from other family members, or girls’ experience of violence in schools, universities, workplaces and other public places.<sup>7</sup> During the fieldwork it became apparent that these places have not yet been affected by increased awareness of VAW.

The first ever survey in Tajikistan was conducted by WHO in 1999.<sup>8</sup> Even now this

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<sup>6</sup> United Nations Centre for Social Development and Humanitarian Affairs, 1989. “Violence against Women in the Family”, New York: United Nations, p. 20.

<sup>7</sup> I draw this conclusion based on the review of the reports of national NGOs and interviews with professionals working in the field of women’s rights, for instance, during interviews with NGOs representatives: Interviewees FCS3, FCS5, MCS4.

<sup>8</sup> WHO, 2000.

survey influences understanding of VAW for those directly involved in the field of women's rights in the country. The WHO study included 900 girls and women aged 14-65 covering the capital city and two regions only: the Dushanbe, Soghd and Khatlon regions.<sup>9</sup> It is limited in its coverage of areas and time. Nevertheless, the findings are significant and widely used in studying VAW in Tajikistan. It concluded that VAW is pervasive in Tajik society but remains highly understudied and underreported,<sup>10</sup> and that a significant proportion of girls and women experience multiple forms of violence during their lifetimes from family and non-family.<sup>11</sup> The WHO report indicates that over 35 percent of women reported experiencing physical violence and 45 percent mentioned emotional abuse from their family members, such as their father, mother, brother, and relatives during their adolescence. 50 percent of women reported experiencing physical violence and 51 percent reported experiencing psychological abuse from a family member, such as a husband and in-laws.<sup>12</sup> 34 percent of women reported experiencing physical violence from those other than family members, for instance in schools, on the streets, and from militia during their adolescence.<sup>13</sup> This study concludes that from the age of 15 years old violence continued to be an integral part of women's lives.<sup>14</sup>

Other studies that directly or indirectly address the issue in Tajikistan are those of

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<sup>9</sup> *Ibid.*

<sup>10</sup> WHO, 2000; Khagai, M. 2002. "Polygamy Research in Tajikistan: Report on the Pilot Research Conducted in Dushanbe, Khatlon's Urban and Rural Areas, February-April 2002", Women's NGO 'Traditions and Modernity', Swiss Agency for Development and Cooperation (SDC). (Polygamy Research, 2002); Falkingham, J. 2000. *Country Briefing Paper: Women and Gender Relations Tajikistan*, Asian Development Bank; U.S. Department of State: Bureau of Democracy, Human Rights and Labour. 2006. "Tajikistan", also available at <http://www.state.gov/g/drl/rls/hrrpt/2006/78843.htm>, last checked 3<sup>rd</sup> November, 2011; *Amnesty International*. 2009. "Violence is not Just A Family Affair: Women Face Abuse in Tajikistan", Stop Violence Against Women, London: Amnesty International Publications.

<sup>11</sup> WHO, 2000.

<sup>12</sup> WHO, 2000; See also Haarr, R. 2005. "Violence Against Women in Marriage: A General Population Study in Khatlon Oblast, Tajikistan" Project to Reduce Violence against Women (PROVAW) in Tajikistan, Swiss Cooperation Office, Tajikistan; Haarr, R. 2007. "Wife Abuse in Tajikistan", *Feminist Criminology*, Vol.2, pp. 245-270.

<sup>13</sup> WHO, 2000.

<sup>14</sup> WHO, 2000. The study only looked at those aged 14 years old above, but it is likely that girls experience violence they are younger than this. However, no such data exists. I also observed the ways in which young girls and boys were treated and some of them subjected to psychological and physical violence within natal families while staying with some families. Interviewees F30, F13, F22, M4. During interviews with NGOs and justice system officers this issue, however, did not come up.

Harris,<sup>15</sup> Akiner<sup>16</sup> and Haarr.<sup>17</sup> The two former authors discuss gender relations in Tajikistan without a particular focus on VAW. However Haarr's works are a significant contribution to the study of VAW in the country. She focuses on wife abuse perpetrated by husbands and mothers-in-law. In her study she considers the circumstances when such abuse is regarded by women as 'justifiable',<sup>18</sup> a dimension that this study will explore in more detail in Chapter 4.4.

### 1.3. Definitions

This study does not focus only on 'wife abuse' but seeks to work within a wider definition: definitional issues are significant in describing the epidemiology of violence against women and in planning surveillance systems for monitoring its occurrence'.<sup>19</sup> In this study I use the term 'violence against women' to refer to violence perpetuated against women by family members, husbands and in-laws. It includes girls and women's experience of violence from male and female relatives. In this study I draw on feminists' theories and explanations of VAW. A significant contribution of feminists' scholarship is placing gender and power at the centre of the analysis.<sup>20</sup> It is acknowledged that in most cases it is women who experience violence from men. I focus on an additional dimension: age (along with gender) which results in women's use of violence towards other women to act as agents of patriarchal values. In this regard women use violence against other women in order to maintain male domination over women. One of the issues raised with

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<sup>15</sup> Harris, C. 2004. *Control and Subversion: Gender Relations in Tajikistan*, London: Pluto; Harris, C. 2006. *Muslim Youth: Tensions and Transitions in Tajikistan*, Westview Press.

<sup>16</sup> Akiner, S. 1997. "Between Tradition and Modernity: The Dilemma Facing Contemporary Central Asian Women" in M. Buckley (ed.), *Post-Soviet Women: From the Baltic to Central Asia*, CUP, pp.261-304; Akiner, S. 2002. "History and Politics in Central Asia: Change and Continuity", in M. McKee, J. Healy & J. Falkingham (Eds.), *Health Care in Central Asia*, Buckingham, Philadelphia: Open University Press, pp. 12-31.

<sup>17</sup> Haarr, 2005; 2007.

<sup>18</sup> Haarr, 2007, pp.256-263.

<sup>19</sup> Gordon, M. 2008. "Definitional Issues in Violence Against Women: Surveillance and Research From a Violence Research Perspective", in M. Freeman (Ed.), *Domestic Violence*, Hampshire: Ashgate Publishing Company, pp. 3-40, p. 3.

<sup>20</sup> Dobash R. and Dobash, R. 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books; Gordon, 2008.

the term ‘domestic violence’ is that it cannot accurately describe this problem and may not necessarily be consistent with a feminist perspective because it may obscure the gender dimension.<sup>21</sup> The term ‘domestic’ can be problematic because it may imply that the violence occurs when the parties live together but studies show that violence continues even after separation and divorce.<sup>22</sup> Other issues related to the concepts of ‘domestic violence’ and VAW are discussed in chapter 4. In this study I prefer the term violence against women to include the gender/age factors and power relations.

I also use the term ‘victim’ and not ‘survivor’ because it seems to better fit in the context of Tajikistan. Some scholars argue that neither the term ‘victim’ nor the term ‘survivor’ accurately represents experiences of women.<sup>23</sup> I have no intention to present these women as ‘passive victims’ and deny them agency.<sup>24</sup> I use the term ‘victim’ to indicate that a woman experiences or continues to experience violence, as many girls and women continue to live in the violent environment. Therefore, it did not seem accurate to call them ‘survivors’ which might imply that they had ‘passed through’ the violence.

## 1.4. Aim and Structure of the Thesis

This study aims to explore subordination of women in Tajikistan through studying the issue of violence against women. It investigates how victims and perpetrators as well as wider society perceive violence. In addressing the responses of state and non-state institutions and how the justice system works for women, this study engages in the feminist discourse on women’s individual experiences of violence, the ‘woman question’ in public and private, the construction of law and its effect on women and their subordinate position and how the laws and the legal and executive mechanisms construct

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<sup>21</sup> Dobash, R. and R. Dobash, 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books.

<sup>22</sup> Humphreys, C. and K. Thiara. 2003. “Neither Justice Nor Protection: Women’s Experiences of Post-Separation Violence”, *Journal of Social Welfare and Family Law*, Vol. 25, No3, pp. 195-214.

<sup>23</sup> Kelly, L. 1988. *Surviving Sexual Violence*. Minneapolis: University of Minnesota Press.

<sup>24</sup> For the critique of ‘victimization rhetoric’ see Kapur, R. 2002. “The Tragedy of Victimization Rhetoric: Resurrecting the “Native” Subject in International/Post-Colonial Feminist Legal Politics”, in *Harvard Human Rights Journal*, Vol. 15, pp. 1-37.

the culture of inferiority of women in society.<sup>25</sup> It is hoped that studies like this would contribute to the study of VAW in the former Soviet Central Asian context and the development of public policies and adequate intervention mechanisms. The study focuses on women's individual experiences of VAW in Tajikistan. This focus is justified on the grounds that women's perspectives on access to justice have been neglected in the process of change, where the government, non-governmental and international organizations may be said to be repeating Soviet practices.<sup>26</sup> It aims through women's individual experiences to examine the effectiveness of these responses and identify shortcomings of state and non-state policies and programmes aimed at enhancing women's status in society and the eradication of VAW in the country. A further aim of this study therefore, is to explore whether these responses (from the state, NGOs, and families and wider community) contribute to increased protection for women from violence. In addition, it hopes that studies like this can also serve as a basis for further exploration of VAW in Tajikistan.

Underlying this study is a belief that attempts to reduce VAW will not be fully successful without acknowledging the input of women victims, their voices and visions so as to inform relevant reforms and development of programmes addressing their needs. Listening to women victims' visions and identifying their specific needs can help with better formulation of the concept of VAW, thus capturing a wider scope and not narrowing it down to a particular aspect of VAW. Identifying specific needs of girls and women based on their experiences will better inform much needed policies and programmes to tackle VAW.

This thesis is based on the following hypothesis: VAW is widely accepted in Tajik society which also reflects in the responses to VAW; the definition of VAW has not been

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<sup>25</sup>See Dobash and Dobash, 1980; Brownmiller, S. 1976. *Against Our Will: Men, Women and Rape*, New York: Bantam Books; Berns, N. 2001. "Degendering the Problem and Gendering the Blame: Political Discourse on Women and Violence", *Gender and Society*, Vol. 15, No. 2, (April).

<sup>26</sup> See Massell, G. 1974. *The Surrogate Proletariat: Moslem Women and Revolutionary Strategies in Soviet Central Asia, 1919-1929*, Princeton: Princeton University Press.

formulated fully and only a narrow understanding of it is presented. This narrow understanding subsequently limits the scope of responses to VAW; the state and non-state responses do not address the societal norms that condone and justify violence towards girls and women; the current justice system does not serve the interest of women victims of violence.

The thesis is divided into several chapters. In each chapter I present stories from the field to highlight the theme of each chapter. The findings of this study are mainly presented in the chapters 4, 5 and 6. However, I also present some stories in chapter 2 to offer an account of different ethical dilemmas encountered during the fieldwork. I also present stories from the field in chapter 3 where I discuss the influence of the Soviet equality policy and gender relations in Tajikistan on women in Tajikistan today.

The opening chapter (Chapter 2) explains the types of methods employed during the fieldwork. These methods are driven by feminist theoretical perspectives on the issue. The first part of Chapter 2 engages in feminist discussion on essentialism and the relevance of post-colonial theories in the context of Tajikistan. It underlines the negative attitudes towards 'feminism' in Tajik society and lack of awareness of feminist discussions, in particular, on women, violence and justice among local professionals dealing with women's rights. Subsequent chapters will demonstrate that this lack of exposure to relevant feminist ideas is reflected in the way in which VAW is perceived and treated. The second part of Chapter 2 focuses on the research process, data collection and analysis, and ethical dilemmas encountered during the fieldwork. It also acknowledges the influence of feminist methodology in the ways in which this study was designed and conducted. This study did not intend and does not claim to be representative of all women's experiences in Tajikistan. Although informed by feminist methodology, I recognize the importance of individual experiences of women. Hence I did not focus only on interviewing participants but I lived with many of them, worked in the field with them and sat in a bazaar to sell goods with them. In this way I hoped to gain a better understanding of their world.

Chapter 3 discusses gender relations in Tajikistan. It explores the nature, significance and

extent of traditional roles prescribed to men and women, based on the historical and cultural influences unique to the Tajik context. It discusses the intersection of cultural values, socialism and post-communism in shaping women's status and gender norms, and their influence on the nature and prevalence of VAW. This historical sketch is required because it helps to situate women's status and rights in the context of the Soviet's arrival in Central Asia, when dramatic transformations occurred in the lives of women in Tajikistan. It investigates how the Soviet women's liberation and equality policies shaped and influenced women's status, and engendered expectations in Soviet and post-Soviet Tajikistan. This chapter utilises the relevant historical literature, as well as stories from the field and other data collected during the fieldwork, in order to explore the issue. Understanding the Soviet's influence on gendered norms and expectations sheds light on why, after approximately seventy years of Soviet rule, the position of women deteriorated with its disintegration. This part of the thesis also investigates why VAW as a concept was not developed or addressed during the Soviet era. Chapter 3 also discusses the structure of family relations in Tajikistan because in most cases violence on girls and women is inflicted at home by family members. It aims to define the ways in which men and women are required to behave in the family and in society, the social norms they have to follow and the mechanisms that are used to ensure their compliance with these norms. This chapter also discusses female sexuality, which has been a subject of a rigorous study among feminists, but is hardly (if at all) studied in the context of post-Soviet states, including Tajikistan. Nevertheless, it is one of the contributing factors to the issues surrounding VAW in the Tajik context.

Chapter 4 investigates how these gendered relations shape perceptions of VAW. This chapter starts with feminists' theories on VAW, and how VAW is explained and challenged at local and international level. This chapter also draws on the international conventions Tajikistan has ratified. The country was the first to ratify the major international human rights treaties among the five former Soviet Central Asian states. In response to these international conventions, particularly related to women's rights, the state developed public policies to address VAW. These are discussed in the following

chapters. Despite developments in the formulation of the concept of VAW, in most cases it is still perceived to be ‘violence against wives’.<sup>27</sup> This chapter therefore investigates how this definition fits within the Tajik context. Through analyzing perceptions of professionals involved in the justice system and NGOs it determines potential victims and perpetrators. It examines different factors that contribute to the persistence of VAW in Tajikistan and the factors that influence women’s decisions to remain in abusive environments.

Chapter 5 identifies the civil and criminal options within the legal system that women victims can employ. It explores the criminal justice system and its shortcomings regarding the treatment of sexual assault, and physical violence girls and women experience. Since rape, sexual and physical assault are regulated by criminal law only in Tajikistan, this thesis assesses the implementation of this law in practice. Due to the shortage of scholarship on VAW, law and justice in the context of Tajikistan much of the work comes from Western scholarships, including countries like the UK and USA. Certainly there is a difference between the criminal procedure in Tajikistan (which is inherited from the Soviet Union) and in the UK and USA. As Berman points out addressing the differences between the criminal procedure in the Soviet Union and Anglo-American law, the former has more commonality with general European practices, which focuses on “inquisitorial” features and less on “accusatory” than does Anglo-American law’.<sup>28</sup> Similar can be suggested with regard to the current criminal procedure in Tajikistan, which has not changed much after the collapse of the Soviet Union. The primary source of criminal law and procedure in Tajikistan are principally the Criminal Code and the Criminal Procedure Code. In addition, the past legacy of the role of law and how it was perceived during the Soviet Union continues to shape official and public perceptions of law even after the collapse of the Soviet regime. Obviously, during the Soviet era Soviet law was

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<sup>27</sup> Dobash R. and E. Dobash, 2008. “Women’s Violence to Men in Intimate Relationships: Working on a Puzzle”, in Freeman, M. (Ed.) *Domestic Violence*, London: Ashgate, pp. 41-66.

<sup>28</sup> Berman, H. 1963. *Justice in the USSR: An Interpretation of the Soviet Law*, Cambridge: Harvard University Press, p. 304.



used to implement the Communist Party's objectives.<sup>29</sup> The state placed itself above the law. Similar tendency was developed in post-Soviet Tajikistan where the small elites remain above the law. Studying the rule of law in Central Asian states the principle of 'rule by law' is more appropriate to explain the situation in those states.<sup>30</sup> This tendency of those in power to be above the law was never broken and it became even stronger in present Tajikistan that suffered civil war and socio-economic and political instability. The high level of corruption (which is believed to be the result of the economic instability) has made it possible for those with financial resources to avoid abiding the law.

Following the example of the Soviet Union the current justice system in Tajikistan criminalizes physical and sexual assault. However, as this chapter demonstrates putting in practice the criminal law remains an issue. VAW is a criminal offence however not always women victims wish to proceed with criminal charges. There are no other alternatives<sup>31</sup> provided for women victims of violence in Tajikistan. Like in other former Central Asian countries, in Tajikistan international institutions (such as Organisation for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR))<sup>32</sup> attempt to identify alternative methods from those employed within the criminal justice system. However, this subject currently has not been fully studied and requires more rigorous study to fully identify the nature of alternative methods in

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<sup>29</sup> *Ibid.*

<sup>30</sup> Kangas, R. "Legal reform in Central Asia: Battling the Influence of History", D. L. Burghart and T. Sabonis-Helf (Eds.) *In the Tracks of Tamerlane: Central Asia's Path to the 21<sup>st</sup> Century*, Washington: National Defence University, pp. 65-91; Teitel, R. 2000. *Transitional Justice*, Oxford: University of Press.

<sup>31</sup> For instance some (Western) feminist works focus on restorative justice for women victims of violence believing that restorative justice could address women's interests better. See Umbreit, M. S. 1994. *Victim Meets Offender: The Impact of Restorative Justice and Mediation*, New York: Willow Tree Press; Wensel, Okimoto, Feather and Platow, 2008. "Retributive and Restorative Justice", *Law and Human Behaviour*, No32, pp. 375-389; Coker, D. 2006. "Restorative Justice, Navajo Peacemaking and Domestic Violence", *Theoretical Criminology*, Vol. 10, pp. 67-85.

<sup>32</sup> In 2004 OSCE/ODIHR organized a conference on Alternatives to Criminal Prosecution in Central Asia in Almaty, Kazakhstan where other former Soviet Central Asian states were present, including Tajikistan. the conference was aimed at judges, prosecutors, police officers and judges with the aim of further exploring the use of reconciliation in Central Asia, and encouraging greater restraint in the usage of reconciliation (particularly in sexual assault cases and other gender related crimes) until the implication for its use were fully considered. OSCE Centre in Almaty, "OSCE/ODIHR conference discusses alternatives to criminal prosecution in Central Asia" <http://www.osce.org/astana/56986>. OSCE/ODHIR.

seeking resolutions.<sup>33</sup>

A great deal of Western feminist research critiques the justice system response to VAW and whether it serves the interests of victims in their search for justice.<sup>34</sup> Currently the civil law in Tajikistan does not provide women victims of violence with choices to deal with the abuse. The only option available to women who experience violence is divorce under the Family Code, although the code makes no specific reference to domestic violence or VAW.

Drawing on previous chapters, this chapter demonstrates the influence of perceptions of VAW and ‘perpetrator’ and ‘victim’ in the ways in which the investigation of VAW cases are handled. It explores the influence of the negative attitudes of police, prosecution and judiciary to women victims of violence in policing and prosecution of such cases. Feminist scholarship discusses how the negative attitudes of police and prosecution to women victims in developed countries, together with poor enforcement of relevant laws, result in underreporting and few prosecutions of such cases.<sup>35</sup> This chapter reports on the similar pattern observed in the context of Tajikistan which is further exacerbated by the harassment experienced from police and prosecution. This chapter reveals the multiple obstacles and challenges women victims have to overcome when accessing the justice

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<sup>33</sup> See Alkon, C. 2005. “The Increased Use of Reconciliation in Criminal Cases in Central Asia: A sign of Reform or Cause for Concern?”, ISRCL.

<sup>34</sup> For instance, see Robinson, A. L. 2007. “Improving the Civil-Criminal Interface for Victims of Domestic Violence” *The Howard Journal* Vol.46, No4, pp. 356-371. Robinson examines the usefulness and effectiveness of attempts made to have women victims of domestic violence cases, who may have to go through civil and criminal courts, to be dealt with in the same court to reduce the time and complications of going through different/separate courts and the affect this may have on women and their children; Barata, P. C. 2007. “Abused Women’s Perspectives on the Criminal Justice System’s Response to Domestic Violence” in *Psychology of Women Quarterly*, Vol. 31, pp. 202-215. Barata’s study assesses victims’ attitudes to the criminal justice system. The findings demonstrate that although many women are willing to use the criminal justice system, there are still a number of challenges they have to face. The study concluded that the system’s division of victims into cooperative and non-cooperative stigmatises victims further and disconnects them from the system; Jordan, C. 2008. “Intimate Partner Violence and the Justice System: An Examination of the Interface” in M. Freeman (Ed.) *Domestic Violence*, Hampshire: Ashgate, pp. 106-121; Jordan explores the experiences of victims of intimate partner violence in seeking or not seeking justice and the factors that influence women’s decisions; Pepinsky, H. 2008. “Better Living through Police Discretion” in *Law and Contemporary Problems*, Vol. 47, (Autumn), 1984, pp. 249-267; Herman, J. L. 2008. “Justice from the Victim’s Perspective”, Freeman (Ed.), *Domestic Violence*, Freeman, pp. 199-230.

<sup>35</sup> Edwards, S. 1989. *Policing ‘Domestic’ Violence: Women, the Law and the State*, London: SAGE Publications.

system. The second part of this chapter investigates the legal remedies (or lack of them) available under the civil law.

Chapter 6 examines the responses of NGOs, relevant governmental bodies and community and extended family aimed at providing women victims with protection from violence. Before analysing the responses of state and NGOs, this chapter discusses how these actors ensure funding for their programmes and draws on the financial and technical contributions of international organizations operating in Tajikistan. It refers back to previous chapters where the perceptions of legal system officers, state officials and NGOs representatives are discussed and establishes how their perceptions of VAW also influence and limit their responses to VAW. It also examines the effectiveness of these responses and their relevance to the needs of women victims. At the same time, it explores other, non-official ways that may contribute to increasing the protection of women experiencing VAW.

Chapter 7 concludes this thesis by reviewing the previous chapters and the key issues raised and makes recommendations on how responses to VAW should be improved. The study establishes that the focus on increasing awareness of legal rights, or introducing new laws and making changes in the law, cannot in themselves provide women with long-awaited responses to the violence they experience. Changing the law, introducing well-developed law would be a significant step forward but has to be accompanied by measures to bring a fundamental shift in attitudes. This chapter emphasises that the responses should encompass a number of initiatives and presents some examples of these.

## 2. Methodology

### 2.1. Introduction

In this chapter I present the theoretical and empirical research methodology for this study, and explain the reasons for choosing a qualitative approach. The chapter discusses feminist approaches to studies focusing on, about, or for women; the researcher and participants' relationship and how well this fits with the interests and objectives of this study. Clearly, the decision to select a qualitative and feminist methodology also determined the methods of data collection during the fieldwork, including analysis, interpretation and presentation of the data. This study is a study of women and their perceptions and experience of violence and justice. The literature referred to was written mainly from feminists' perspectives. This study does not aim to homogenize feminist perspectives to research. Although it does not fully engage in the discussion on what constitutes a feminist methodology, it tries to summarize the discussion to validate my approach and stance. Finally, the chapter also highlights the ethical concerns and dilemmas faced while conducting empirical research of this kind.

### 2.2. Why Feminist Epistemology?

This thesis explores women's experiences. Therefore, I focus on a feminist epistemology that argues for the primacy of women's perspectives. This approach implies that the aim of the research need not be a search for 'the truth' but to look for multiple 'truths' that exist when researching women who have been historically oppressed and marginalized. Traditionally, women's experiences were excluded and their world was constructed through the perception of the 'white male'.<sup>36</sup> Feminist epistemology contributed to the

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<sup>36</sup>Traditionally science was the prerogative of men and any knowledge constructed and presented was through their perspectives. See Harding and her discussion of the impact of androcentrism on traditional epistemological assumptions of science and the importance of feminists' standpoint in science, Harding, S. 1986. *Feminist and Methodology*, Bloomington: Indiana University Press.

construction of knowledge and particularly brought women's experiences into light.<sup>37</sup> Feminist scholarship on women's issues in general and violence against women in particular, gave a space for women's voices to be heard as these voices had been ignored and neglected for a long time.<sup>38</sup>

In comparison to traditional epistemology, which suggested that knowledge exists independently of the person or people who produce it, feminist epistemology suggests that 'knowledge is contextually specific' and not independent of the people who produce it.<sup>39</sup> Drawing on feminist epistemology, this thesis also supports the belief that the researcher's presence in the research and his/her construction of a viewpoint has to be acknowledged. Therefore, because of this influence there can be only a partial truth.<sup>40</sup>

A feminist epistemology recognizes the significance of gender in the research.<sup>41</sup> Feminist research emphasizes the importance of socially constructed gender in the inquiry process, reconstructing the process of research at all levels from the chosen focus of study to relationships with participants, methods of data collection, choice of analytical concepts and approaches to reporting.<sup>42</sup> This thesis draws on feminist research because such research not only provides a theoretical framework for understanding the causation of VAW but also insight into societal responses and why social and legal institutions have tolerated or perpetuated VAW.<sup>43</sup> In addition, feminist research in most cases is oriented towards social and legal change, whereas other theories (whether psychological or sociological) have not provided adequate analysis as to why VAW is tolerated in society,

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<sup>37</sup> Maynard, M. 1998. "Feminists' Knowledge and Knowledge of Feminisms: Epistemology, Theory, Methodology and Method", T. May and M. Williams (eds.) *Knowing the Social World*, Buckingham: Open University Press. pp. 120-137.

<sup>38</sup> Harding, 1986.

<sup>39</sup> Duran, J. 1991. *Towards a Feminist Epistemology*, Savage: Rowman and Littlefield Publishers, p. 6.

<sup>40</sup> Stanley L. and S. Wise. 1993. *Breaking out Again: Feminist Ontology and Epistemology*, 2<sup>nd</sup> edition, London: Routledge, p. 6.

<sup>41</sup> Stanley *et. al.*, 1993.

<sup>42</sup> Somekh B. and C. Lewin. 2005. "Introduction", in B. Somekh and C. Lewin (Eds.), *Research Methods in the Social Sciences*, London: Sage Publications, p. 3.

<sup>43</sup> Buzawa E. and C. G Buzawa. 2003. *Domestic Violence: The Criminal Justice Response*, 2<sup>nd</sup> Edition, London: SAGE Publications, p. 24.

and nor are they oriented towards changing the social reality.<sup>44</sup>

This thesis explores the issues of subordination and oppression of women in Tajikistan through studying the issue of violence against women. It also explores how both victims and perpetrators as well as wider society perceive violence. In addressing the responses of state and non-state institutions and how the justice system works for women, this study engages in the feminist discourse on women's individual experiences of violence, the 'woman question' in public and private, the construction of law and its effect on women and their subordinate position and how the laws and the legal and executive mechanisms construct the culture of inferiority of women in society.<sup>45</sup>

This study employs a feminist approach in that it values the meanings that the research participants make of their surroundings, of the social phenomenon, their world and the way they see it. It is concerned not only to understand the unequal power relationships that may exist in society but also to challenge them.<sup>46</sup>

Feminist theoretical approaches suggest that it is the imbalance of power relations in society that leads to subordination of oppressed groups. Feminist theory is useful because of its emphasis on 'direct' and 'personal' experience and that 'the personal is political'.<sup>47</sup> For feminist researchers, theory is not somewhere 'out there', but rather it is based on the real, daily, and 'trivial' experiences of individuals.<sup>48</sup>

The qualitative methods employed in this particular research facilitated a closer involvement with the participants and also allowed participants to be viewed as subjects

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<sup>44</sup> *Ibid.*

<sup>45</sup> See Dobash, R. and R. Dobash, 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books; Brownmiller, S. 1976. *Against Our Will: Men, Women and Rape*, New York: Bantam Books; Berns, N. 2001. "Degendering the Problem and Gendering the Blame: Political Discourse on Women and Violence", *Gender and Society*, Vol. 15, No. 2, (April).

<sup>46</sup> Humphries, B. 1997. "From Critical Thought to Emancipatory Action: Contradictory Research Goals?", *Sociological Research Online*, Vol. 2, No1, available at <http://www.socresonline.org.uk/2/1/3/html> ; Minow, M. 2000. "About women, about culture: about them, about us", *Deedalus*, (fall) Vol. 129, No4, pp. 125-145.

<sup>47</sup> Schneider, E. 1991. "The Dialectic of Rights and Politics: Perspectives from the Women's Movement", K. Bartlett and R. Kennedy (Eds.) *Feminist Legal Theory: Readings in Law and Gender*, Oxford: Westview Press, pp. 318-332; Mies, M. 1993 "Towards a Methodology for Feminist Research", M. Hammersley (ed.) *Social Research: Philosophy, Politics and Practice*, London: SAGE Publications, pp. 64-82.

<sup>48</sup> Schneider, 1991, p. 320.

rather than objects. Being aware of the criticism of the validity of research using 'feminist' methodology, in that it may be biased,<sup>49</sup> this research does not claim to be totally value free, and unbiased. I recognize that I am not unbiased because I have a strong feeling for women victims of violence. I am also driven by the belief that women in Tajikistan deserve a life free from violence. However, I tried to minimize my own biased approach by using different methods of data collections discussed in detail below (section 2.4 and 2.5).

We cannot detach ourselves from the reality that provides meaning to our actions. However, we can reflect on social reality by acknowledging that we have only subjective and limited understanding because we are bounded by personal, contextual, educational, geographical, ideological and political needs and interests.<sup>50</sup> Indeed it is unlikely that a research interviewer can entirely detach herself from a study or the methods employed, given the personal characteristics of an interviewer, such as race, gender, ethnic origin, class and so on.<sup>51</sup> The identity of the interviewer is important as it may shape the input to the research and hence its outcome.<sup>52</sup> Who is asking the questions may determine answers to these questions. Crewal and Ritchie note a shared language or dialect would facilitate communication.<sup>53</sup> During the fieldwork it became apparent that sharing a language or dialect is not always sufficient nor does it eliminate language issues discussed in more detail below.

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<sup>49</sup> See Mies, 1993; Hammersley M. and R. Goom, 1997 "Bias in Social Research", *Sociological Research Online*, Vol. 2(1); Maynard, M. 1998. "Feminists' Knowledge and Knowledge of Feminisms: Epistemology, Theory, Methodology and Method", T. May and M. Williams (eds.) *Knowing the Social World*, Buckingham: Open University Press, pp. 120-137.

<sup>50</sup> Lal, J. 1999. "Situating Locations: The Politics of Self, Identity, and 'Other' in Living and Writing the Text", in S. Hesse-Biber, C. Gilmartin and R. Lydenberg (Eds.), *Feminist Approaches to Theory and Methodology: An Interdisciplinary Reader*, New York and Oxford: Oxford University Press.

<sup>51</sup> Denzin N. K. and Y. S. Lincoln, 2003. "Methods of Collecting and Analyzing Empirical Materials", *Collecting and Interpreting Qualitative Materials*, N. K. Denzin and Y. S. Lincoln (Eds.), 2<sup>nd</sup> Edition, London: SAGE Publications, pp. 47-60, p. 48; see Wengraf, T. 2001. *Qualitative Research Interviewing*, London: SAGE Publications.

<sup>52</sup> See Holstein J and J. Gubrium. 1995. *The Active Interview*, Thousand Oaks: Sage Publications; Measor, L. 1985. "Interviewing: A Strategy in Qualitative Research", R. Burgess (Ed.), *Strategies of Educational Research: Qualitative Method*, Lewes Sussex: Falmer Press, pp. 55-77.

<sup>53</sup> Grewal Ini & Jane Ritchie. 2006. "Ethnic and Language Matching of the Researcher and the Research Group During Design, Fieldwork and Analysis", in James Y. Nazroo (Ed.), *Health and Social Research in Multi-ethnic Societies*, London and New York: Routledge, pp. 65-81, p. 65.

Contrary to the positivistic approach, which presumes objectivity and detachment from the research subject, the feminist approach accepts and allows for emotional engagement with the interviewees, while at the same time requiring awareness and openness of such influence on the research.<sup>54</sup>

This study is about and for women. It therefore aspires through analysing women's experiences of violence to reveal how well the current responses accommodate the needs and interests of women. It aims through women's individual experiences to assess the efficiency of these responses and identify shortcomings of state and non-state policies and programmes aimed at enhancing women's status in society and the eradication of VAW in the country.

### **2.2.1. Feminists' Approach to the Concept of 'Woman'**

One of the issues that feminists' work *on*, *by* and *for* women<sup>55</sup> face is the reference to 'women' as a category. This raises concerns over "essentialization" of women as a category. This is challenged by some feminists' works due to the shortcomings of such homogenization.<sup>56</sup> Feminist works discuss whether a re/conceptualization of the concept of 'woman' and 'women' as a category is necessary.<sup>57</sup> They discuss whether 'essentializing' women is possible and in fact should be regarded as a pre-requisite in order to speak for or about women. Cultural feminism argues in favour of homogenizing women, because there is only one difference that matters and that is 'sexual difference'.<sup>58</sup> All women must recognize this difference in their struggle against subordination and oppression to identify their 'allies' or 'enemies'. It fails to recognize that sexual differences are not perceived the same way everywhere.

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<sup>54</sup> See Denzin, 2003; Oakley, 1997; Finlay, L. 2002. "Outing" the Researcher: The Provenance, Process and Practice of Reflexivity" in *Qualitative Health Research*, Vol. 12, No4, pp. 531-545.

<sup>55</sup> Stanley and Wise, 1993, pp. 30-33.

<sup>56</sup> Ahmed, S. 1998. *Differences that matter: feminist theory and post-modernism*, Cambridge: Cambridge University Press.

<sup>57</sup> Harding, 1986.

<sup>58</sup> For more discussion on biological determinism Krieger, N., Fee E., 1994. "Man-made Medicine and Women's Health: The Biopolitics of Sex/Gender and Race/Ethnicity", *International Journal of Health Services*, Vol 24, No2, pp. 265-283; Hubbard, R. 1990. "Constructing Sex Differences", in R. Hubbard (Ed.), *The Politics of Women's Biology*, New Brunswick, NJ: Rutgers University Press, pp. 136-140.



Contrary to cultural feminism, poststructural feminism also challenges the categorization of women and the polarization into two main categories.<sup>59</sup> Poststructural feminism challenges cultural feminist views and suggests that both the concept of woman and the category of women must be deconstructed because they were constructed by men.<sup>60</sup> The homogenization does not include the different hierarchical differences (and experiences of oppression and subordination) not only among women but men also.<sup>61</sup> We cannot presume that all men are ‘oppressors’ and therefore ‘enemies’ and all women are ‘oppressed’ and therefore ‘allies’ of women.

In the process of conducting this research it became more apparent that homogenizing women into one category is problematic. Clearly not all women share similar experiences of subordination and oppression. Women’s experiences vary, based on other characteristics they possess. We cannot expect that the identity of ‘woman’ comes first for all women. Anti-essentialism discourse or post-modernism argues against the assumption that all women have similar experiences of oppression as it does not reflect the reality.<sup>62</sup> Oppression need not be merely based on one’s gender, as there are other characteristics, such as race, sexual orientation, class, and so on, which may also play an essential part.<sup>63</sup> It would be inaccurate to expect any woman to choose her gender identity before her ethnicity or race, class and other identity categories.<sup>64</sup> In the context of violence it is more problematic because the violence that many women experience is often part of their

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<sup>59</sup> Alcoff, L. 1988. “Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory”, *Journal of Women in Culture and Society*, Vol. 13, No31, pp. 405-436.

<sup>60</sup> *Ibid.*

<sup>61</sup> First wave feminism was criticized for its essentialist approach; for its assumption that all women’s experience of oppression and subordination is alike and that gender is a determining characteristic of women’s oppression and subordination. Collins, H. P. 1998. *Fighting Words: Black Women and the Search for Justice*, Minneapolis: University of Minnesota Press; Mohanty, C. 1991a. “Under Western Eyes: Feminist Scholarship and Colonial Discourses”, C. Mohanty, A. Russo and L. Torres (Eds.), *Third World Women and the Politics of Feminism*, Bloomington and Indianapolis: Indiana University Press, pp. 51-80.

<sup>62</sup> Ahmed, 1998; Collins. 1998; Higgins, T. 1996. “Anti-essentialism, relativism, and human rights”, *Harvard Women’s Law Journal*, Vol. 19, pp. 89-102.

<sup>63</sup> See Mohanty, 1991; Ahmed, 1998.

<sup>64</sup> For a discussion on the intersectionality theory see Crenshaw, K. 1991. “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Colour”, *Stanford Law Review*, Vol. 43, No6 (July), pp. 1241-1299. Mohanty, C. 1991b. “Introduction: Cartographies of Struggle: Third World Women and the Politics of Feminism”, in Mohanty, *et.al.*, pp. 1-50.

other identities, which can include race and class.

This study observed the role that women play in maintaining the subordination and oppression of women to and by men. When discussing ‘women in Tajikistan’ I do not attempt to essentialize their experiences and claim to speak for all women. However, this thesis is based on the view that the subordination of women to men is ‘socially institutionalized, cumulatively and systematically shaping access to human dignity, respect, resources, physical security, credibility, membership in community, speech and power’.<sup>65</sup> In that sense ‘the group women can be seen to have a collective social history of disempowerment, exploitation and subordination extending to the present’.<sup>66</sup>

### **2.2.2. Is There Such Thing as ‘Tajik’ Women?**

I use the phrase ‘women in Tajikistan’ deliberately so as to avoid the term ‘Tajik women’. The term ‘Tajik’ contains political, social and cultural significance and may be perceived in different ways by ‘outsiders’ and ‘insiders’. The term ‘Tajik’ has been used by the state in its nationalistic policies, particularly in the last two decades.<sup>67</sup> The term ‘Tajik’ or ‘Tajik women’ may give the wrong impression of a prescribed identity. For those within the community, the term ‘Tajik’ may relate to the dominant ‘Tajik’ ethnic groups who share similar cultural and religious practices and language. However, other ethnic minorities (which are officially unrecognized) that claim to be regarded officially as Tajik, are

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<sup>65</sup> MacKinnon, A. C. 1992. “From Practice to Theory, or What is a White Woman Anyway?”, *Yale Journal of Law and Feminism*, Vol. 4, No13, pp. 13-22, p. 15.

<sup>66</sup> *Ibid.*

<sup>67</sup> The government has been trying to restate the term Tajik to create a sense of national identity which is built around the ‘Tajikhood’ of the nation. Laurelle, M. 2007. “The Return of the Aryan Myth: Tajikistan in Search of a Secularized National Ideology”, *Nationalities Papers*, Vol. 35, No1, pp. 51-70; For more information on how the law is used to create a new national ‘Tajik’ identity see Hickson, J. 2003. “Using Law to Create National Identity: The Course to Democracy in Tajikistan”, *Texas International Law*, Vol. 38, pp. 347-380.

labelled as ‘other’ (for instance the Pamiri)<sup>68</sup>. Therefore, in order to avoid any ambiguity in relation to the term ‘Tajik women’, the term is avoided. It is important to be aware of the complex and problematic nature of the term, because it is not indicated in the (few) works that exist on gender relations and wife abuse in Tajikistan.<sup>69</sup>

### 2.2.3. Returning to the ‘Woman Question’

Feminist epistemology is an appropriate context for this thesis because women traditionally were denied the opportunity for their voices to be acknowledged in science, and in society.<sup>70</sup> This applies to all of the former Soviet Central Asian states, including Tajikistan. Historically, the ‘woman question’ in research has been neglected or has received little attention in the country for several reasons: academia was and continues to be predominantly a male domain and if the ‘woman question’ was raised during the Soviet period throughout the former Soviet Union it was politicized and interwoven with Soviet ideology.<sup>71</sup> Furthermore, once the ‘woman question’ had been declared to be ‘solved’ in all parts of the Soviet Union by the Soviet authorities no further studies were considered necessary at that time.<sup>72</sup> With Gorbachov’s perestroika the ‘woman question’ was raised again in the Soviet Union, however, it did not receive the attention it needed.<sup>73</sup>

With the disintegration of the Soviet Union and involvement of international organizations in post-Soviet states, particularly in Tajikistan where the civil war resulted in the killing of women for their ‘lifestyle’s and ways of dressing, the woman question was re-visited. As a result, efforts were made both by the government and its institutions

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<sup>68</sup> The Soviets and the current government put the population of Badakhshan as Tajiks in their census, however, the Tajik identity of Badakhshonis is questioned by Badakhshanis first of all and by other ethnic groups, Kulyabi, Leninobobi, Garhi which are believed to share the Tajik identity. There are practically no works on this issue, however a very brief indication of this can be found in Akbarzadeh’s work. See Akbarzadeh, S. 1996. “Why Did Nationalism Fail in Tajikistan?”, *Europe-Asia Studies*, Vol. 48, No7 (November), pp. 1105-1129. p. 1118.

<sup>69</sup> See for instance Harris on women in Tajikistan who does not clarify how she defines the term Tajik or Tajik women. Harris, 2004; Also see Haarr’s 2007, 2008 on wife abuse in Tajikistan.

<sup>70</sup> Harding, 1986.

<sup>71</sup> Buckley, M. 1989. *Women and Ideology in the Soviet Union*, New York, London, Toronto: Harvester Wheatsheaf, pp. 60-105.

<sup>72</sup> *Ibid.*

<sup>73</sup> See chapter 3 for more details.

and non-governmental and international organizations to improve women's position in the country. The 1990s seemed to be the period of opportunity for women to call for social, legal and institutional changes in the country. It was a period when most of the international human rights conventions were ratified.<sup>74</sup> That period however did not result in any major changes for women. The woman question in the context of post-Soviet Tajikistan possibly required new ways of thinking rather than thinking about new things. The resistance or reluctance to change ways of thinking is emphasised in Dworkin's phrase in her work *Woman Hating*.<sup>75</sup>

#### **2.2.4. Post-Colonialism and Negative Attitudes Towards Feminism in Tajikistan**

In some scholarly work, particularly Western literature, the Soviet era in Central Asia is viewed as an imposition of a colonial regime in the region.<sup>76</sup> Central Asia is described as a former colony of the Soviet Union in those Western studies written after the disintegration of the Soviet Union. However, Kandiyoti points out the difficulties of conceptualizing Soviet rule as a clear-cut case of colonial domination, because it contained many contradictory features.<sup>77</sup> Tadjbakhsh argues that 'Tajik women' position themselves within the post-colonial debates and associate themselves with women of colour in the post-independence period.<sup>78</sup>

Tajikistan's independence was not an active step taken against a 'colonial' regime.<sup>79</sup> In fact, Tajikistan, like other Soviet Central Asian republics, was not prepared for the

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<sup>74</sup>Office of the UN High Commissioner for Human Rights: Status of Ratifications of the Principal International Human Rights Treaties, 9 June, 2004.

<sup>75</sup> 'One can be excited *about* ideas without changing at all. One can think *about* ideas, talk *about* ideas, without changing at all. People are willing to think about many things. What people refuse to do, or are not permitted to do, or resist doing, is to change the way they think', Dworkin, A. 1974. *Woman Hating*, New York: E. P. Dutton, p. 202.

<sup>76</sup>Shahrani, N. 1993. "Central Asia and the Challenge of the Soviet Legacy", *Central Asian Survey*, pp. 123-135.

<sup>77</sup>Kandiyoti, D. "How Far Do Analyses of Postsocialism Travel?: The Case of Central Asia", in Hann, C. (Ed.), *Postsocialism: Ideals, Ideologies and Practices in Eurasia*, London: Routledge, pp. 238-257, p. 240.

<sup>78</sup> Tadjbakhsh, 1995.

<sup>79</sup>Abdelal, R. 2001. *National Purpose in the World Economy: Post-Soviet States in Comparative Perspective*, New York: Cornell University Press, p. 14.

disintegration of the Soviet Union and the introduction of economic and political autonomy, which also entailed opting out of the rouble zone.<sup>80</sup>

Abdelal explores the reasons why some of the former Soviet republics were better prepared for separation or autonomy from Russia than others. In doing so he considers their nationalist ideas, for instance, the creation of national identity. He asserts that in the 1980s nationalist movements appeared in some republics, seeking separation from the USSR. These nationalists saw the influence of Russia in their country as an 'imperial' control and therefore stood against Russia, labelling it as 'other'.<sup>81</sup> They started with calling for the separation from the Soviet Union and later changed to anti-Russia postures while also calling to join Europe.<sup>82</sup> In Central Asian republics the nationalist movements were not strongly developed.<sup>83</sup> Nationalist movements started arising in the late 1980s and early 1990s when the Soviet Union began to disintegrate, however, the levels of nationalist mobilization among the Soviet republics varied from place to place. The nationalist movements started and were more developed in Soviet regions like the Baltic republics.<sup>84</sup> These countries demanded economic autonomy first, then political autonomy and finally sought complete independent statehood.<sup>85</sup> Central Asian states did not take part in the disintegration of the Soviet Union. Abdelal notes that:

Indeed, Soviet disintegration seemed to catch the Central Asian republics quite by surprise. Among these eleven other states, six (Armenia, Azerbaijan, Estonia, Georgia, Latvia and Moldova) experienced significant nationalist mobilization before 1991 and five (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan) did not'.<sup>86</sup>

Some nationalist movements and parties emerged in Central Asia after the disintegration of the Soviet Union but they were marginalized politically with some anti-Russian and anti-CIS content for their societies' identities. However their ideas were not shared and

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<sup>80</sup>Lynch, D. 2002. "Separatists States and Post-Soviet Conflicts", *International Affairs (Royal Institute of International Affairs)*, Vol. 78, No4, pp. 831-848.

<sup>81</sup> Abdelal, 2001.

<sup>82</sup> Abdelal, 2001, pp. 10-11.

<sup>83</sup> Akbarzadeh, S. 1996.

<sup>84</sup> Abdelal, 2001; Lynch, 2002.

<sup>85</sup> Lynch, 2002.

<sup>86</sup> Abdelal, 2001, p. 76.

not popular, either among political elites or the wider public.<sup>87</sup> Nationalist mobilization, which is a 'preliminary indicator of the content and contestation of national identity' was not deployed or fully deployed against the Soviets in Central Asia, suggesting that there was no specific anti-Soviet or anti-Russian content within the national identities of the five former Soviet Central Asian republics.<sup>88</sup> The Islamic Renaissance Party in Tajikistan was linked by secular democrats to the Rastokhez, which is a cultural revival movement that replaced the Communists after the dissolution of the Soviet Union.<sup>89</sup> However they were later replaced by former Communists who wanted to keep strong economic and political relations with Russia.<sup>90</sup>

Tadjbakhsh notes that:

'The activism of women in Central Asia also cannot be categorized as traditionally "feminist". Feminist movements generally set as their baseline the political demands of equality between men and women and the rejection of patriarchal systems. Feminists would like to place women in the same categories that are traditionally male dominated. Yet women in Central Asia would join their voices with those of Third World and coloured women, who in recent years have criticized traditional feminism on the basis that it relies on the experiences of white, middle-class women and does not take into consideration the problems of other women'.<sup>91</sup>

She further adds that 'women in Central Asia cannot join the feminist movement because of the simple fact that, in postcolonial societies such as Tajikistan, women often become bearers of the national cultural identity and thus are placed in a position of having to disregard the interest of their gender in defence of the national identity of the nation'.<sup>92</sup> It is unclear from Tadjbakhsh's work whether it is a deliberate and informed choice of women to refrain from joining feminists' movements. However, based on the data collected during the fieldwork it is possible to suggest that women activists in Central Asia do not use political demands of equality between men and women and the rejection of patriarchal systems as their baseline. Clearly, women in Tajikistan were not exposed to the feminist discourses around the world. While Tajikistan was part of the Soviet Union

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<sup>87</sup> Akbarzadeh, 1996.

<sup>88</sup> Adbelal, 2001, p. 76

<sup>89</sup> Akbarzadeh, 1996; Akiner, 2002.

<sup>90</sup> Akiner, 2002.

<sup>91</sup> Tadjbakhsh, S. 1998. "Between Lenin and Allah: Women and Ideology in Tajikistan", in H. Bodman and N. Tohidi (Eds.), *Women in Muslim Societies: Diversity within Unity*, Boulder, London: Lynne Rienner Publishers, pp. 163-188, pp. 164-165.

<sup>92</sup> Tadjbakhsh, 1998, p. 165.

and influenced by its liberation policy, feminists around the world were discussing key issues of women's experience, particularly issues related to women's subordination and oppression in private and public places. In the former Soviet Union feminism was eventually banned.<sup>93</sup> In the early years of the Soviet Union feminism was criticized for its 'misconceived' and 'misplaced' analysis of society and being the product of the bourgeoisie.<sup>94</sup> It was perceived to be 'counterrevolutionary' since it failed to notice the class difference between working class women and middle-class women in its struggle and later it was criticized for being 'anti-family' and 'naive' to regard women and men as 'identical'.<sup>95</sup> In addition, once the woman question was declared to be solved, it closed all the possibilities for further exploration of issues related to the oppression of women in the Soviet Union. The soviets claimed to solve the problem of female oppression together with the struggle against class exploitation.<sup>96</sup> Soviet people were not exposed to the debate about civil rights movements of the mid-twentieth century. Subsequently, even among women's organizations 'there is little awareness of issues regularly debated in the United States [or elsewhere] including racism as well as sexism'.<sup>97</sup> The lack of information suggests that women and men were insufficiently informed about feminism/s in general and unaware of key issues debated among feminists in particular. My research revealed that this heritage continues to shape and influence women's groups' perception of feminism/s. Hence, these groups are still unwilling to label themselves or their work as 'feminist'.

#### **2.2.4.1. Participants' Perceptions of Feminism**

Although initially I did not make any reference to the word feminism, I believe my strong feminist standpoint became apparent to participants at some point. After a

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<sup>93</sup> Alimova, D. 1987. *Resheniye zhenskogo voprosa v Uzbekistane: 1917-41*, (Solving the Woman's Question in Uzbekistan), Tashkent: Fan; Buckley, 1989.

<sup>94</sup> Buckley, M. 1992. "Glasnost and the Woman Question" in L. Edmondson (ed.), *Women and Society in Russia and the Soviet Union*, Cambridge: Cambridge University Press, pp. 202-206.

<sup>95</sup> *Ibid.*

<sup>96</sup> Serebrennikov, N. 1937. "Introduction", *The Position of Women in the U.S.S.R.*, London and Southampton: The Camelot Press Ltd; Berman. H. J. 1972. *Soviet Criminal Law and Procedure: The RSFSR Codes*.

<sup>97</sup> Harris, 2006, pp. 7-8.

relationship based on trust and mutual respect was established, participants did not hesitate to share their views with me on feminism during informal conversations. Male participants believed that *all* feminists are against men, their ‘enemies’ and aim primarily to subordinate men and bring women to power to control them, which they found degrading. When I pointed out to one male participant, (a father of three sons and a daughter) that the beliefs and actions he shared, such as wishing his daughter to successfully complete her studies and find a nice managerial job, can be attributed to feminist ideas, he responded in amusement, ‘I don’t think it has anything to do with feminism, I just want my daughter to be happy and not depend on anyone ... I never thought I would be called a “feminist”, don’t tell it to Manzura [wife] she would think I am *womanized*’.<sup>98</sup> A similar view was shared by female participants, who kept noting that, ‘even though I am for women’s rights, I am not a feminist, I am not against men’.<sup>99</sup> Manija noted, ‘thank god we don’t have feminists here, they are all against men’.<sup>100</sup> Nisso noted ‘our men do not appreciate us ... all they need is to have some feminists here ... they [feminists] will show them who is the boss’.<sup>101</sup> These views do little justice to feminism/s and its objectives. However, it is very clear that almost all participants knew very little about feminism/s. These perceptions about feminism are partly the result of the Soviet legacy and partly because of the absence of such discourses currently in the country. Negative attitude to feminism was very widespread among NGOs representatives and justice system officers. One of the informants, Gulonor, a female investigator (deputy to the Prosecutor) at the prosecution office, who is also frequently invited to facilitate workshops on women’s rights said the following:

‘I am for women to have equal access to education work and politics but it has nothing to do with feminism. I am not against men. Feminism is very dangerous and it is not for our society, it destroys men and gives too much power to women, and makes them look like men’.<sup>102</sup>

For many ‘women activists’ in Tajikistan, ‘feminism’ retains negative connotations and they do not wish to be associated with the term. NGOs working with women were

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<sup>98</sup> Interviewee M4.

<sup>99</sup> Interviewee FCS4. A female, head of a women NGO.

<sup>100</sup> Interviewee F15.

<sup>101</sup> Interviewee F16.

<sup>102</sup> Interviewee FJS4.



categorically against labelling their work as feminist. They all believed that feminists hate men.

### **2.3. Strategy and Research Procedure: Before the Fieldwork**

Prior to the fieldwork, I conducted in-depth analysis of materials relating to quantitative and qualitative methods of data collection and analysis. In view of the nature and purpose of this study, I chose the qualitative approach. The courses undertaken for the MSc programmes on social research methods and particularly courses that exposed me to ethnographic methods, also contributed to the decision to choose a qualitative approach. I also studied literature on gender relations in Tajikistan and post-Soviet states, law and justice in post-Soviet republics and former Soviet Central Asia in particular, Muslim identity in the context of Central Asia, socialism and women's status. Simultaneously, works of western and non-western feminists on violence against women were addressed prior to embarking on the empirical research. For this empirical study, I have built upon my previous experience of researching domestic violence in the context of Tajikistan for my LLM degree, in addition to my working experience as a legal assistant in the Human Dimension Office of the Organization for Security and Cooperation in Europe Centre in Dushanbe in Tajikistan (OSCE CiD). My previous research and working experience allowed me to establish and maintain relationships with a number of representatives of international and national NGOs working in the field of women's rights. This enabled me to identify contacts in Women and Family Affairs Committee, women NGOs, crisis centres in the capital city (Dushanbe) and Khujand, Khatlon and Badakhshan regions. I applied certain purposive selection criteria. Information was obtained from all participants about their age, ethnicity, marital status, and educational background in order to obtain diverse perspectives from different clusters of the population.

The participant selection process started before travelling to the field. Using the previous experience and contacts, initial names were identified among victims, investigators from the prosecution office and judicial personnel, as well as women NGOs such as *Madina* and *Prospect Plus*. I tried to contact as many as possible before going to the field. When

contacts were established and participants identified I asked them if they wished to participate in the study and if (no matter whether they agreed or not to participate) they could assist me with identifying other potential participants.

These meetings with secondary participants allowed me to uncover the complexities of the setting and the different external forces contributing to understanding of VAW and its persistence, in addition to women's status in the society and home. Simultaneously, these meetings provided an opportunity to observe the differences between the policy makers' rhetoric and the reality of women's lives. They provided insights from various perspectives to better understand men's and women's role within society and at home, the impact and importance of gender norms and compliance with these norms for men and women. They also revealed the complexity of the community and individual members' interrelations in the Tajik context.

## 2.4. Data Collection Methods

I chose the qualitative approach because it rests on the view that social reality is complex and dynamic and socially and historically constructed.<sup>103</sup> The following qualitative methods were used in this study: qualitative, semi-structured, in-depth interviews, group discussions, questionnaire and extensive context observation (and/or participant observation). The choice of quantitative and qualitative methods depends on the nature, purpose and objectives of a specific research undertaking. However, Hathaway also argues that the decision to 'use quantitative or qualitative methods is replete with assumptions concerning the nature of knowledge and reality, how one understands knowledge and reality, the process of acquiring knowledge and knowledge about reality'.<sup>104</sup> 'When one chooses a particular research approach, one makes certain assumptions concerning knowledge, reality, and the researcher's role ... these assumptions shape the research

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<sup>103</sup> Berger L. and T. Luckmann, 1967, *The Social Construction of Reality*, London: Penguin Books Ltd.

<sup>104</sup> Hathaway, S. R. 1995. "Assumptions Underlying Quantitative and Qualitative Research: Implications for Institutional Research", *Research in Higher Education*, Vol. 36, No5, pp. 535-562, p. 536.

endeavour, from the methodology employed to the type of questions asked'.<sup>105</sup>

This thesis uses qualitative methods because this approach is best suited to the objectives of this research. This thesis is concerned with exploring and understanding women's experiences of violence against women. This thesis also seeks to provide women with a space for their voices to be heard, to listen to their explanations and interpretations of the matters that are within the scope of the research. Through their perceptions I aim to analyse if and how well the legal system, state and NGOs' responses accommodate women's needs and interests in their attempts to eradicate VAW. In this way qualitative methods can be valuable tools that focus on understanding the meanings and interpretations of the world of those who are studied.<sup>106</sup> As a specific form of qualitative research, the feminist approach to researcher-participant relationships provides a space for developing more meaningful relationships with participants, particularly women.<sup>107</sup>

### 2.4.1. Participants

Key participants:

- women who have been subjected to violence, with or without experience of entering the justice system.

Secondary participants:

- law enforcement officers (at *Upravlenie Vnutrennikh Del* –Ministry of Interior, *Gorodskoi otel*-municipal police unit, *uchastkoviy*- district militia officer);
- Prosecutors (*gorodskoi*- city, *rayonniy* -district and *oblastnoi* -regional );
- Judges from municipal courts, district, regional *konstitutsionniy sud*-constitutional court;
- Representatives of NGOs working on violence against women;

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<sup>105</sup>Hathaway, 1995, p. 536.

<sup>106</sup>Maynard, M. 1998, "Feminists' Knowledge and Knowledge of Feminisms: Epistemology, Theory, Methodology and Method", in T. May and M. Williams (Eds.) *Knowing the Social World*, Buckingham: Open University Press, pp. 120-137.

<sup>107</sup>Henn M., M. Weinstein and N. Foard. 2006. *A Short Introduction to Social Research*, London, Thousand Oaks, New Delhi: SAGE Publications, p. 210.

- Lawyers at crisis centres (it should be noted that the role of lawyers remains quite passive in the justice system, partly because of inadequate provision, partly because of the customary and legal culture, even when the procedural code provides access to lawyers);
- Local government officials (municipal and regional of family affairs and women committee);
- Wider community;
- Religious clerks.

#### 2.4.2. Semi-Structured, In-Depth Interviews

Interviews can be construed as a type of social interaction; a discussion.<sup>108</sup> However they differ, in so far as the topics for discussion are pre-defined by a researcher especially in semi-structured (or structured) interviews. Wengraf suggests that semi-structured interviews, precisely because of their nature, are more difficult to conduct and require more preparation and improvisation.<sup>109</sup> Questions are designed to be open and at the same time assist in obtaining the desired outcome, i.e. provide answers to the research questions and also allow participants the flexibility to talk about other issues. Quite often women talked about *mazkomi zan dar jomea* (women's status in the society) because this term has been widely used in public debates and known to people, whereas they found it harder to explain and talk about domestic violence or violence against women. Some informants referred to it as *sharat*, *azob*, *latu kub kardan*, *notinji* (quarrel, beating (in two languages-Shugni (*azob*) and Tajik (*latu kub kardan*)), dispute). Semi-structured interviews were carried out with both key participants and general participants. With each interviewee an initial rapport was established. In addition to semi-structured interviews I also had informal conversations where participants talked about relevant issues and at the same time discussed matters that they considered to be important to mention and/or relevant to the research topic.

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<sup>108</sup> Holstein J and J. Gubrium. 1995. *The Active Interview*, Thousand Oaks: Sage Publications, pp. 17-19.

<sup>109</sup> Wengraf, T. 2001. *Qualitative Research Interviewing*, London: SAGE Publications, p. 5.

Semi-structured and in-depth interviews were used because they provide an opportunity to gain in-depth knowledge from participants about particular phenomena.<sup>110</sup> These in-depth and repeated interviews allowed me to build closer relationships with participants and through probes and follow-up questions to ‘construct as complete a picture as possible from the words and experiences of the participant’.<sup>111</sup> The aim was to come as close as possible to the ‘complete picture’ of women’s experiences, although I recognised that this was not fully achievable.

Age, marital status, educational background and work status were all taken into account with regard to all participants. Initial interviews were used to establish rapport, identify how well they fitted the selection criteria and to check their availability and to arrange the next meeting. The length of interviews varied. In some cases the interview lasted for one hour and in other cases up to three hours. This also depended on where the interview took place.

A total of approximately seventy interviews were conducted, of which thirty six were with ‘victims’ of violence. Almost every single woman I talked to had experienced some form of violence. It was therefore, in that sense, not difficult to find women who had been subjected to violence. However they did not see themselves as ‘victims’ of violence, because violence is perceived by them only in extreme forms. It was more difficult to recruit women who had reported violence to the police, even though in small town and rural places it was possible to identify them. It was difficult for them to talk about their experience. Other participants included nineteen police officers, seven from the office of the procuracy, eight judges, four representatives of the Committee on Women and Family Affairs, three volunteers of ‘shuroi zanon’ (women’s union), four representatives of national civil society, two religious clerks (*mullahs*), four lawyers who have had experience (whether direct or indirect- i.e. they did not represent cases in courts but have given advice) of dealing with divorce cases and child maintenance. Three women

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<sup>110</sup> Henn, *et al.* 2006.

<sup>111</sup> DeMarrais and D. Stephen. 2004. “Introduction”, K. DeMarrais & S. Lapan (Eds.), *Foundations for Research: Methods of Inquiry in Education and the Social Sciences*, Erlbaum Associates, p. 2.

dropped out from the study for unknown reasons.

I decided to include secondary participants in this research in order to verify data, obtain a clearer picture and move closer to the reality.

#### **2.4.2.1. Post-interview and Informal Conversations Notes**

After the interview I summarized what was discussed during the interviews and key issues that came up to verify them with participants whenever was possible in order to avoid losing ‘as little as possible from the interview experience’.<sup>112</sup> This was also important in those cases when there was no tape recording and notes were taken, particularly in informal conversations, or when the interviews took place in bazaars or in the field. The recollection of the interview in instant post-interview debriefing helped also to add additional information without ‘breaking contact and rapport with your informant’.<sup>113</sup> Instant debriefing facilitated the identification of any words, concepts or phrases that required further clarification through a follow up. It helped to make notes on the location, and other factors, e.g. if there were any or many interruptions. On one occasion during one interview with a police officer, although the interview took place in his office after office hours, there was constant interruption. Interruptions may raise concerns over confidentiality. I recognized the importance of the interview venue but it was not always possible to have a secure venue. Therefore, in order to avoid uncomfortable situations and raise concerns over confidentiality, participants could stop at any point and the interviews or informal conversation resumed when the participants felt comfortable. However it appeared that the lack of a proper venue or interruptions or presence of people nearby did not seem to concern most principal informants. This was more of an issue for secondary informants. It was essential to make instant notes whenever possible after interviews and conversations to avoid losing any information.

#### **2.4.2.2. Language in Interview**

The use of language during interviews is important. I carried out the interviews in

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<sup>112</sup> Wengraf, 2001, p. 209.

<sup>113</sup> *Ibid.*

Shugni, Rushani <sup>114</sup>, Tajik and Russian languages (and English was used for a questionnaire). VAW as a concept has not been introduced to the level that it is known to the wider public. It was important to be cautious of the vocabulary used in interviews, or making reference to specific terms, which might lead to the ‘creation of “sharedness of meanings” in which both interviewer and respondent understand the contextual nature of specific referents’.<sup>115</sup> In order to avoid making the participants feel uncomfortable or confused the words ‘violence against women’ were avoided. This may seem to be a concept familiar to some people in Tajikistan who work in the field of women’s rights.

However many who are not part of these professional circles have not encountered this expression and are not familiar with the term. The term ‘violence against women’ was replaced with a more general term, such as ‘ill-treatment’ towards women within the home and in society. The necessity for avoiding ‘violence against women’ also derived from the fact that there is no exact translation of this concept in the local languages, particularly languages that are based on oral tradition, such as Shugni and Rushani. Although there is a term that has been recently adopted and which is now quite frequently used in seminars, workshops and even the media on gender issues in Tajik language, it only refers to domestic violence (*khushumati oilavi*). As chapter 3 demonstrates, even among women’s groups and governmental and criminal justice system officers, there are ambiguities as to how VAW and domestic violence are defined.

Challenges were faced in translating the terms spousal abuse, physical violence, wife battering, wife beating, sexual assault and control, as there are no alternatives in Tajik and Russian languages. I aimed not to take any word or a phrase for granted and would follow up or ask for clarification, though often I was told ‘you forgot what it means, you forgot your native language [Shugni]’. For instance, ‘hitting’ was defined differently by different participants. Among key participants some refer to hitting as *azob* or *latukub* (both mean

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<sup>114</sup> Shugni and Rushani languages are part of Pamiri languages spoken in the Gorno-Badakhshan Autonomous Region in Tajikistan and Badakhshan region in Afghanistan. I am fluent in both, Shugni language being my mother tongue. See Luknitskiy, P. 1961. *Pamir Bez Legend* (Pamir, No Legends), Mosow: Nauka.

<sup>115</sup> Denzin, 2003, pp. 61-106.

hitting but *latukub* is more severe than *azob*), or use the phrase *xasta*, or *notinje* (dispute/quarrel).

### 2.4.3. Some Problems with the Statistical Data

Socialism has played a significant role in the socio-economic and political lives of people in Tajikistan. Prior to going to the field I therefore read relevant Soviet and non-Soviet scholarship in an attempt to generate data to investigate the role of the Soviets in transforming former Central Asian states, to evaluate the success of the emancipation and liberation policies of the Soviets, and the impact of these policies on gender relations in these former Soviet republics. In doing so, I also attempted to explore to what extent the issue of violence against women was raised and discussed among Soviet scholars. However, I recognized that the academic work written during the Soviet era had to be treated with caution, firstly, because those works written within and outside the Soviet Union were produced during the time of the Cold War, at times of tension between the Soviet block and the West,<sup>116</sup> and secondly, Soviet literature propagated Soviet ideology, raising concerns over objectivity. There is very limited work available on women's lives in pre-Soviet Tajikistan. Most of the data on the subject is generated from the works of Tsarist Russian ethnographers. The number of works assessing the soviet's policy of liberation and emancipation of Soviet Central Asian women during this period by Soviet scholars is limited, especially during the period from 1917 to the 1980s. During this period there was hardly any Soviet work covering the issue of violence against women. In addition neither during the Soviet era, nor currently, is an official mechanism set up to collect any data on VAW. It is a real challenge to obtain accurate data on the prevalence of VAW in the country.

#### 2.4.3.1. Data on VAW

One of the issues that has to be considered is the lack of (accurate) contemporary data on

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<sup>116</sup> Serebrennikov, N. 1937. "Introduction", *The Position of Women in the U.S.S.R*, London and Southampton: The Camelot Press Ltd; see also the work of H. J. Berman. 1963. *Justice in the USSR: An Interpretation of the Soviet Law*, (revised edition), Cambridge: Harvard University Press.



violence against women in Tajikistan. It has been stated that this study uses a qualitative approach. Thus, it does not aim to identifying the scale and prevalence of violence and instead relies on the statistical data obtained from other sources. One of the challenges faced with this regard in the field was the reliability and accuracy of these data sources. Much of the statistical data obtained came from international and national governmental and non-governmental institutions. One of the shortcomings of the data provided by national women NGOs is that it is limited in time and scope. Quite often the data on the prevalence of VAW was collected by these NGOs as part of pilot studies or projects undertaken. These studies only include a limited number of places and do not provide comprehensive information. Simultaneously, owing to the lack of appropriate mechanisms for the recording of administrative data on the number of women victims reporting violence against women to the police, number of calls registered, number of complaints on domestic violence registered, number of cases resulting in criminal charges, number of acquittal or convictions, it was difficult to obtain accurate data on these matters. There are no established mechanisms to collect data on VAW, therefore governmental institutions, particularly the Statistics Department, do not provide such information. When I approached the Statistics Department the only data they could provide related to the number of rape cases committed per year, without any details about the nature of the crimes.

## **2.5. Breakdown of the Research**

The empirical research consisted of a pilot project and a fieldwork phase, which included semi-structured interviews, questionnaire, observation and review of documentary materials.

### **2.5.1. Pilot Project**

Prior to the fieldwork a pilot study was conducted with three women living in Tajikistan (two email exchanges and one phone conversation) and two Tajik female students in London. The pilot study was carried out to test that the questions were properly set up

and easily understood by interviewees. This was important because the interviews were to be carried out in Shugni, Tajik, and Russian languages. It was also important to test if the questions actually facilitated the gathering of information relevant to the research interest. However the pilot study did not provide a complete picture of face-to-face interviewing in the field. Nor did it grasp the potential challenges that face-to-face interviews present in the field. These include problems with recording, or uncomfortable feelings when an interviewee talked of a personal experience. The interviews held in London with the female students differed from those held in Tajikistan, because there seemed to be less language difficulties in terms of using different terminology. If linguistic difficulties were encountered, the informants could easily express the word or phrase in the English language. This was not the case in the field.

Nevertheless, the pilot interviews gave an insight into the extent to which the questions were clear, did not confuse respondents, and whether they were properly designed to obtain answers for the research questions (whether they had validity). Based on the feedback from the participants of the pilot project I made some amendments to the questions.

### **2.5.2. Start of the Fieldwork**

When I arrived in Tajikistan I contacted the few already identified participants, informed them again about the purpose and nature of this study and asked again whether they would be willing to participate. It was not difficult to find women who were 'victims' of violence, because it soon became clear that almost every girl or woman experiences some form of violence in her lifetime.

In the field I started by approaching various institutions (police units, prosecution office, courts, Committee on Women and Family Affairs, NGOs such as the *Bureau of Human Rights and Law*, *Madina*, *Volunteers* and drop-in centres), which included both governmental and non-governmental institutions and explaining to them the nature of my study, its purpose and the need to identify potential participants. In several cases, after attending such places, (particularly three *Gorotdel* (municipal police units)) I

explained the nature of my visit to the police officers at the reception desks who introduced me to one of the investigators. Almost all of them were willing to participate in the study after I explained it to them. One of the officers agreed to participate and wanted to be interviewed on that day, after explaining to me that ‘since he is already in and due to the nature of his work most of the time he is on the move and it might be difficult to find a good moment like this’.<sup>117</sup> This experience taught me that initial interviews may take place without any prior arrangements in terms of time and place of the interviews.

In a very few cases, victims, particularly victims of sexual assaults, were identified via police units, (procuracies). On one occasion at the regional police unit I was escorted to the office of an investigator who told me after I explained to him the nature of my visit and the purpose and objectives of my study that ‘had I come a bit earlier I would have managed to listen to the lady [who left as I entered] who came to withdraw her complaint regarding her husband’s abuse’.<sup>118</sup> Although in most cases, investigators did not wish to reveal the names of the victims, (as such information was regarded as ‘confidential’) after a certain period of time, when mutual trust was established, police officers and prosecutors were more ready to list names of victims. On one occasion during my visits to an investigator, with whom I had already established a rapport and gained his trust, he offered to take me with him to the bazaar<sup>119</sup> (market place) to recruit potential participants. I refused this offer. At the same time, an investigator from the prosecution office offered to contact and ‘bring’ some victims of sexual violence for me, but I deliberately refused such initiatives to avoid putting pressure on participants.

I decided to be even more cautious regarding my actions with victims of sexual assault as they already feel marginalized by their families, friends and the society because of the nature of sexual assaults and societal and cultural prejudices about such crimes and victims of such crimes. I had to pay attention to my actions and words so that they were

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<sup>117</sup> Interviewee MCJ4.

<sup>118</sup> Interviewee MCJ6.

<sup>119</sup> The reason why he wanted me to come to the market place with him was because a majority of people who are engaged in selling goods in the market are women.

not interpreted as judgemental towards these victims. Compared to other female participants, who were subjected to some forms of violence, women victims of sexual assault required a longer time to establish rapport and gain their trust.

In one region, I made contact with the municipal Committee on Women and Family Affairs which provided me with a list of names of heads of local *shuroi zanon* (women's union) based in each *mahala* (community). Shuroi zanon in each mahala held meetings occasionally, particularly before any major public holidays. Luckily these meetings were held when I was in the field.

Based on my previous experiences I decided to take an opportunistic approach to identifying respondents, which included 'using' friends, relatives, friends of relatives, former colleagues and their friends and colleagues of friends to gain access to institutions or identify potential participants. All participants were informed that participation was a voluntary and anonymous. This approach was helpful because it provided an opportunity to gain access to materials and information which otherwise would be impossible.

After potential participants were identified I explained to every participant the nature and purpose of my study and asked for their consent. It was made clear to each of the participants that there was no remuneration for their participation and that their participation was on voluntary basis. Every participant was guaranteed anonymity. Some, informants particularly Modavlat and Nisso, were not against the use of their real names. Modavlat said 'I have nothing to hide; I am only telling you my point of view'.<sup>120</sup> However, participants who experienced severe forms of violence did not wish to be identified. I assured all participants, regardless of whether they wished to keep their real name, that no real names would be used and all names would be changed. Furthermore, I assured them that any information they gave me would be kept confidentially and not discussed with anyone else in the field. The governmental officials and criminal justice system officers were more concerned about anonymity and confidentiality than the women victims. Similarly, NGO representatives also wished that the information they

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<sup>120</sup> Interviewee F30.

provided would be kept confidential. This was agreed. To protect the interests of participants, I decided in this thesis to use only given names for all participants instead of real ones.

In order to protect the identity of participants and keep their anonymity no real names are used and instead their names are changed, their geographical location is not identified because some places are very small and participants could be easily identified. I refer to participants by their code such as F31-a female participant, MJS3-a male justice system officer, FCS-a female from civil society (which mainly refers to women NGOs' staff and Committee on Women and Family Affairs). In most cases I only use a code allocated to participants, however, if I present a case story a randomly allocated name is used. If the same name appears in different parts of the study, it refers to the same case.

### **2.5.3. Questionnaire**

I decided to use a questionnaire to gain some basic data on how violence against women was understood, and which forms of interventions were sought and what were participants' perspectives on the police and the justice system. It was not a comprehensive questionnaire and the aim was not to obtain representative data on these matters; I used it in order to obtain a brief overview. The questionnaire was distributed to volunteers among students at the Khorog English Program and Khorog State University and the State Agriculture Institute in Dushanbe. The initial questionnaire, which was prepared before going to the field, was changed and updated. Additional questions were added based on the interviews and data collected in the field.

### **2.5.4. Observation**

Intensive observation of the context and of particular settings assisted in gathering additional data, provided a 'cross-checking' tool to validate the data collected through other methods of data collection. I conducted informal and unstructured observations around the police units, prosecution office, courts, women homes and community. These

included general observation, observation in meetings (women's gatherings), and court hearings as well as police behaviour in the markets, streets, and in the society in general. I noted down incidents important and relevant to the focus of my study in my daily fieldwork diary. The notes I collected in the field contributed to my collection of data, conducting preliminary analyses, reflecting on my actions and tracing the history of my values and beliefs. My diary contained information about my impressions and reflections about gender roles at home, women's status at home, women's status in the community, girls' and boys' behaviour at home and in the community and police officers' behaviour in public. Some of these impressions came from my observations. Reflecting on these matters helped to reveal deeper meanings to women's actions and beliefs and allowed me to identify broader issues. I recorded my descriptive and reflective notes whenever I had an opportunity and it was socially accepted. However I did not want to appear to be an 'auditor' or an 'inspector', or to appear formal and intrusive. Quite often, when I had limited opportunity to record my notes, I would write some key words down and expand on them later when I had a more appropriate opportunity to do so. I used drawing, mind mapping, text and pictures.

### **2.5.5. Participant Observation**

I observed three women's gatherings held by the *shuroi zanon*. These places were attended by female members of the community and I wanted to explore the issues and matters discussed in such meetings. My aim was to observe them and to avoid disrupting them. Before the meetings, to ask the permission of the chairwoman of the *shuroi zanon*, I introduced myself, explained the purpose of my visit and my research interests. On one occasion, despite my desire to merely observe and remain unseen, the chairwoman in her opening preamble, introduced me to the participants and invited me to come to the front and talk to the participants of the meeting about my experience and my studies. Subsequently, my role shifted from an 'observer' to that of a 'participant-observer' because during the discussions on immorality in the society, the decorum and dress of younger women, I was drawn into the discussions by the participants.

I also stayed with some participants in their homes and continuously was observing family members interactions even at times when I did not wish to do so.

### 2.5.6. Documentary Data

Other forms of data collection included state policies, decrees, laws (the criminal procedure code, criminal code and family code). The purpose was to explore the current state and NGOs' responses to VAW, the legal provisions in relation to violence against women, women's rights and women's access to justice. Documentary data also included the reports of the international and national NGOs on the nature and prevalence of violence against women in the country, as well as government reports (e.g. the report prepared for CEDAW committee) to assess the government's responsibility under the national and international laws and commitment in preventing and eradicating violence against women in the country.

The reports were referred to during the interviews with the governmental and non-governmental institutions' informants, and not with women respondents. This was to avoid any confusion, as there are technical terms used in these reports that may not have been very clear for some women.

I also reviewed divorce cases and criminal cases which were either under investigation at the time of the fieldwork or were 'stopped' (*prekrasheni*<sup>121</sup> or *priostanovleni*<sup>122</sup>). Access was given to recordings of victims' or defendants' *dopros* (statement). In addition, the field notes which captured observation, reflection, detailed description and explanation of events constituted another tool of data collection. Field notes were made after each interview, where reflection on the interview, my general feelings about it and of the interviewee, interviewees' expectations from it (where possible), their behaviour (whether they were uncomfortable talking about a particular issue and so on), a

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<sup>121</sup> Prekrashenie: the preliminary investigation is stopped due to certain conditions such as the lack of sufficient evidence or absence of elements of a crime, (Article 27-29, The Criminal Procedure Code).

<sup>122</sup> Priostanovleni: the preliminary investigation stopped due to certain conditions, including identity of the defendant is unknown, the defendant's whereabouts is unknown, or due to severe forms of illness, (Article 230, The Criminal Procedure Code).

description of the place and any distractions (where applicable) were recorded.

I also recognize that text-based documentary materials are also ‘social productions’ which are in no way to be regarded as a substitute for other type of evidence.<sup>123</sup> Denzin describes documentary materials as merely ‘situated constructions, particular kinds of representations shaped by certain conventions and understandings’.<sup>124</sup>

### 2.5.7. Data Validation

Validation of data receives equal importance in social science and therefore a method or set of methods have been developed to validate data collected in social research. One of the methods used for validation is through triangulation.<sup>125</sup> Triangulation implies the use of multiple methods of collecting data and cross-checking them. There are, however, suggestions that the use of multiple methods does not necessarily mean that the ‘truth’ can be revealed. For instance, Silverman notes that using multiple methods in order to obtain a whole picture is simply an ‘illusion’.<sup>126</sup> However, he does not argue against using multiple methods. He believes it is within the discretion of a researcher to decide whether to use multiple methods or not. Nevertheless, Silverman advises the researcher to be cautious and not to attempt to obtain the whole picture, as this is very unlikely to be achieved even with multiple methods. Although I used different methods to cross-check and verify data obtained from principal as well as secondary participants and other sources, I do not attempt to claim that I obtained a ‘holistic’ picture of VAW in Tajikistan through this empirical study. This study aimed to provide an opportunity for women to have their voices and stories heard, but it also recognizes that it represents only a segment of women’s experiences in Tajikistan.

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<sup>123</sup> Denzin, 2003 p.56.

<sup>124</sup> Denzin, 2003, p. 56.

<sup>125</sup> See Silverman D. 1993. *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction*, London, Thousand Oaks, New Delhi: SAGE Publications; Silverman D. 2005. *Doing Qualitative Research: A Practical Handbook*, 2<sup>nd</sup> edition, SAGE Publications: London, Thousand Oaks, New Delhi; Bloor, M. 2001. “Techniques of Validation in Qualitative Research: A Critical Commentary”, in M. Emerson (ed.), *Field Research*, Robert 2<sup>nd</sup> Edition, Long Grove: Waveland Press, Inc., pp. 383-396, p. 383.

<sup>126</sup> Silverman, 2005, p. 122.



### 2.5.8. Data Analysis and Interpretation

The process of analysis included:

- Examination of the data's internal aspects (i.e. meaning, purpose, value, source, contradictions, accuracy and consistency);
- Organizing data according to themes, concepts and categories;
- Developing higher-level categories and generative explanations.

Each interview was listened to, transcribed the same day and translated, usually on a daily basis. I noted down points and expressions that were critical, repeated, emphasized, vague or unclear. Interviews were transcribed together with the side-column notes from 'post-interview debriefing' as well as memos and notes that were made while transcribing the interviews. I read the raw data from each interview, made notes, and using different colours, underlined and highlighted the relevant passages. I named and organized the identified passages and units of information according to the themes they revealed. The validity of the patterns was checked in the generated data: patterns in observations and ideas participants said or did, through employing various strategies. For instance, I tried to clearly understand how much a particular pattern of ideas or behaviour arose or was shared by people and how collective it was.

As discussed earlier, this study is grounded on a feminist perspective and does not claim to be neutral, unbiased and it, therefore, does not claim that the data obtained 'speaks for itself'.<sup>127</sup> I realize and recognize the impact my perceptions and beliefs may have had while analysing the collected data. I attempted to reduce such influence through awareness and reflexivity.<sup>128</sup> One 'cannot lift the results of the interviews out of the contexts in which they were gathered and claim them as objective data with no strings attached'.<sup>129</sup> Because of the 'interplay' that takes place between a researcher and data, it is not possible to be completely objective, despite a researcher's attempt to be as objective as

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<sup>127</sup> Fontana, A. and J. Frey, 2003, p. 91.

<sup>128</sup> Hunt C. and F. Sampson. 2006. *Writing, Self and Reflexivity*, London: Palgrave Macmillan.

<sup>129</sup> Fontana, A. and J. Frey, 2003. "The Interview: From Structured Questions to Negotiated Text", in N. Denzin and Y. Lincoln (Eds.), *Collecting and Interpreting Qualitative Materials*, Thousand Oaks: Sage, pp. 61-106, p. 91.

possible.<sup>130</sup> However, all this does not mean that the research findings are purely subjective. The use of different methods served to reduce subjectivity. Recognizing the influence that I might have on the research and data, I remained aware and cautious and reflexive, and hence attempted to avoid my own biases to 'guide' the research. I attempted to 'self-consciously bring disciplinary and research experience into the analysis but to do so in ways that enhance the creative aspects of analysis rather than drive analysis.'<sup>131</sup>

Apart from the data collected through the interviews, I maintained the same reflexive approach to the other forms of data collection because these data were also collected within a context. Therefore, careful examination of the data is necessary to accurately understand, analyse, interpret and present the data in order to remain true to the research ethics and research participants. There are different mechanisms available for the analysis of qualitative data which I employed for the data analysis of this study, such as microscopic examination of data. This is also known as 'line-by-line' analysis, which involves 'very careful, often minute examination and interpretation of data'<sup>132</sup> to 'generate initial categories (with their properties and dimensions) and to suggest relationships among concepts'.<sup>133</sup> Microscopic analysis can be necessary when it encourages researchers to understand different strands of the data, to get out of their usual way of thinking and allow the data to speak.<sup>134</sup> It forces researchers to listen closely to *what* the interviewees are saying and *how* their saying it'.<sup>135</sup>

Checking with participants my interpretation of the data raises different issues of which to be aware. Certainly, the purpose of this study is to understand the situation from women's perspectives, and therefore returning to them with my interpretation is necessary to check whether they agree.

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<sup>130</sup> Strauss A. and J. Corbin. 1998. *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*, SAGE Publications: Thousand Oaks, London, New Delhi, p. 58.

<sup>131</sup> Strauss *et. al.*, 1998, pp. 58-59.

<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*, p. 57.

<sup>134</sup> *Ibid.*, p. 65

<sup>135</sup> *ibid.*

### 2.5.9. Impact of the Research on Participants

While in the field one of the issues the researcher has to remain aware of is the extent to which the researcher influences those whom he/she researches. Although during this research I attempted to withdraw from discussing my own points of view whenever possible, in the exchange of information, it is still possible that the participants sensed my adherence to a feminist standpoint which may have to some extent influenced what they were telling me. The interviews were semi-structured and sometimes, informal conversations were held with participants at times particularly when staying with their families. It was difficult to avoid the discussion of matters, particularly about women and men and culture and politics and law when conversing with participants out of the scheduled interviews. The whole research became a process of constant exchange of information. I remained reluctant to express my view, however being an ‘insider’ and ‘outsider’ (since I studied abroad) in the participants’ opinion, I was asked for my views, particularly on decorum and ways of dressing in Tajikistan and in the West, i.e. the UK. It was particularly difficult to avoid such conversations if I was travelling in a minibus (usually consisting of six people) for 24 hours or more. On such trips the fellow passengers develop a sense of unity, because of the hardship of the journey. I noticed by the end of each trip in such circumstances fellow passengers would become closer and assist each other on different matters. During the driving and in order to keep the driver entertained and keep him awake since he would drive all day<sup>136</sup> and throughout the night, the passengers talked and discussed different matters, ranging from politics to morality and immorality in society. One such discussion related to the suggestion that young people, particularly young girls, are introducing into society alcohol and drug abuse problems. In such a confined space it was hard to avoid giving my own opinion. I therefore developed a technique of answering with a question back because I was not sure whether my fellow passengers could be in any way related to my informants in the particular environment where I was to conduct interviews, since we were travelling in the same direction. I decided to remain cautious of what I said and did in any situation to

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<sup>136</sup> Except for two stops for lunch and dinner.

avoid influencing my research and its participants in any way. It might be difficult to estimate to what extent I influenced participants but the stories and information received from participants clearly influenced and directed the research.

In some remote places there were no possibilities to rent a place or stay in a hotel, so I stayed with families. In one case in the very early stages of the research, this happened randomly. I had made initial contacts before going to the rural locality but the plan fell through. While travelling to the location, I shared the minibus with the head of the *mahala* of that particular locality. We began talking and I explained to him the purpose of my travel and the problem I anticipated in terms of accommodation. This short acquaintance with the head of *mahala* provided me with a place to stay. He offered me a place to stay in his home as long as necessary. Given that I had no other choice I agreed although I continuously thought about the implication of this. He offered to assist me with identifying potential participants: women victims who were subjected to violence. After spending some time in this household we gradually developed mutual trust. I did not have the impression that the family were self-censoring their behaviour in front of me as they did the first few days. I moved from the status of 'guest' to a 'member' of the household. Staying in this household made me appreciate the dynamics of relationships between men and men, men and women and women and women within and outside the household. It also helped me to reflect on the interrelationships of families and communities and how all this influenced gender relations at home and in public.

Since this particular type of empirical research is uncommon in Tajikistan my participants had never previously participated in a study of this type. They had rarely been asked to speak about issues of importance to them. I hoped that this study would provide a space where they could discuss the issues related to the subject of this thesis and express their viewpoints. In that sense, I hoped that they would gain some form of validity and recognition of their words and experiences. At the same time, there was a risk of raising their expectations, which is discussed in more detail in the ethics section below. For instance, Nargis kept saying 'tell them [the international community] what is really

happening here'.<sup>137</sup> I continued explaining the purpose and nature of this study, to avoid raising any kind of expectations. I hoped that, by telling their stories I would do them justice and that they wished to share their stories. However, no matter how much I tried to be objective, and represent their voices as much as possible, it was I who would ultimately produce the thesis. I was analyzing the data and interpreting the data. The thesis is written in the UK and not in Tajikistan.

## 2.6. Ethical dilemmas of the study

Any social research requires ethical consideration because of the deep challenges and implications for all the participants as well as the researcher.<sup>138</sup> In recent years research ethics has become one of the most sensitive and important issues to consider when conducting empirical research because of the relationships developed between the researcher and the participants. These relationships raise issues of power, responsibility, rights of participants, benefits for participants, harmful effects of the research on participants, privacy, confidentiality and anonymity, representation, whose voices is going to be represented and issues over ownership over the data and the final product.

Although ethical consideration is relevant to all sorts of research, empirical research requires more diligence in terms of ethical dilemmas due to its unpredictable nature and a close relationship between the researcher and participants.<sup>139</sup>

The subject of study of this thesis is violence against women, which is a sensitive topic as it is not devoid of interventions into personal and political dimensions of the participants' lives.<sup>140</sup> There is always a risk that even the most innocent questions may be upsetting for the interviewees.<sup>141</sup> This was most noticeable with victims of sexual assault or victims of

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<sup>137</sup> Interviewee F25.

<sup>138</sup> Henn, *et. al.*, 2006.

<sup>139</sup> De Laine, M. 2002. *Fieldwork, Participation and Practice: Ethics and Dilemmas in Qualitative Research*, London, Thousand Oaks & New Delhi: SAGE Publications.

<sup>140</sup> Cotterill, P. 1992. "Interviewing Women: Issues of friendship, Vulnerability, and Power", *Women Studies Int. Forum*, Vol. 15, No 5/6, pp. 593-606; Finch, J. 1984. "It's Great to Have Someone to Talk to: The Ethics and Politics of Interviewing Women", C. Bell & H. Roberts (eds.) *Social Researching: Politics, Problems, Practice*, London: Routledge, pp. 70-87.

<sup>141</sup> David and Sutton, 2004; Burman *et. al.* 2001.

severe forms of physical violence, who continually felt the need to justify their every action or words, to avoid being blamed for what happened to them and demonstrate they did not provoke it in any way. Nigora kept saying ‘don’t think that I am that *kind of girl*’, ‘don’t think that I go to parties every time’.<sup>142</sup> Nisso kept saying that ‘you see I don’t give him any reason to be *that* aggressive, it’s not like I am like those loose women, who also provoke their husbands ... you can tell for yourself’.<sup>143</sup> For girls and women who have undergone traumatic experiences, who have been subjected to severe forms of violence being interviewed is very upsetting. Sharing their stories makes these participants re-experience unpleasant or traumatic experience, particularly when they were speaking about incidents of abuse. It was particularly hard for those female participants who had experienced physical beating and rape (as in Mavjuda’s case). It was uncomfortable for them to talk about their experiences and uncomfortable for me to ask follow up questions. Some of them felt emotional during the interviews, therefore, long breaks were taken. However, some participants informed me that although it was difficult for them to talk about what had happened to them, they still considered it to be a therapeutic experience by finding a ‘sympathetic ear’ to talk to<sup>144</sup> or daring to talk openly in front of someone about their experience. This was the case with Nigora. They did not wish to reveal all the details to their mothers or sisters, because they would worry about their health. They just wanted to ‘get it out of their chests’.<sup>145</sup>

Feminist scholarship on positionality of the researcher and power dynamics in research influenced my approach to the research and its participants in the context of Tajikistan.<sup>146</sup>

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<sup>142</sup> Interviewee F12.

<sup>143</sup> Interviewee F16.

<sup>144</sup> Cotterill, 1992, p. 598.

<sup>145</sup> Interviewee F12.

<sup>146</sup> Jaffe, D. and Miller, E. M. 1994. “Problematizing meaning”, in J. F. Gubrium and A. Sankar (Eds.), *Qualitative Methods in Ageing Research*, pp. 51-64; Berik, G. 1996. ‘Understanding the Gender System in Rural Turkey: Fieldwork Dilemmas of Conformity and Intervention’, Wolf D. (Ed.) *Feminist Dilemmas in Fieldwork*, Oxford: Westview Press. pp. 56-71; Sultana. F. 2007. “Reflexivity, Positionality and Participatory Ethics: Negotiating Fieldwork Dilemmas in International Research”, ACME: An International E-Journal for Critical Geographies, Vol. 6, No3, pp. 374-385; An interesting collection of essays presented in the book edited by Wolf (1996) which gives an account of the ethical dilemmas faced by female researchers in a variety of contexts, such as South Asia, USA and Sub-Saharan Africa. See Wolf, D. (Ed.), *Feminist Dilemmas in Fieldwork*, Oxford: Westview Press.

Being influenced by feminist literature on the type of relationship to establish between the researcher and the participants, (the debate as to whether participants prefer to see the researcher as a 'stranger', 'friendly stranger' or a 'friend', for example), I realized the importance of how participants would view me and recognized that it would affect our relationship.<sup>147</sup> These feminist works do not give a clear insight as to which type of relationship is most appropriate: while some emphasize the importance of the reciprocal relationship where 'friendship' is established with the participants, others prefer to establish a 'partnership' relationship, but it seems either case may create ethical dilemmas.<sup>148</sup> This becomes more complicated in a setting where there is a continuous interaction between the researcher and the participants, like I experienced in Tajikistan while staying with families. It seemed that it is at the discretion of the researcher to decide which type of relationship to establish and which role to undertake, based on the research objectives and interests.

One of the questions raised in the discussion on positionality is whether sharing common characteristics such as gender, race and other attributes, make one an 'insider' which may grant easier access (as opposed to being an 'outsider') and thus put the researcher in better position to conduct research.<sup>149</sup> In the field it became clear that sharing the same characteristics is not a condition of a successful research project and it certainly does not

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<sup>147</sup> The issues of identity of the researcher and her positionality have been a subject of discussion among feminists. See Lal, J. 1999. "Situating Locations: The Politics of Self, Identity, and 'Other' in Living and Writing the Text", in S. J. N. Hesse-Biber, C. Gilmartin, and R. Lydenberg (Eds.), *Feminist Approaches to Theory and Methodology: An Interdisciplinary Reader*, New York and Oxford: Oxford University Press; P.Hill Collins. 1998. *Fighting Words: Black Women and the Search for Justice*, Minneapolis: University of Minnesota Press;

<sup>148</sup> Davis, P. 2000, "Doing Interviews with Female Offenders", V. Jupp, P. Davis and P. Francis (Eds.) *Doing Criminological Research*, London, Thousand Oaks and New Delhi: SAGE Publications, pp. 83-96; Takayoshi, P. and K. Powell, 2003. "Accepting Roles Created for Us: The Ethics of Reciprocity", *College Composition and Communication*, Vol. 54, No 3. (Feb. 2003), pp. 394-422; Russell, C. 1999. "Interviewing Vulnerable Old People" Ethical and Methodological Implications of Imaging Our Subjects", *Journal of Aging Studies*, Vol. 13. No 4, pp. 403-417. Oakley, A. 1997. "Interviewing Women: A Contradiction in Terms", H. Roberts (ed.) *Doing Feminist Research*, London: Routledge and Kegan Paul, pp. 30-61.

<sup>149</sup> Wolf, D. 1996. "Situating Feminist Dilemmas in Fieldwork", D. Wolf (Ed.), *Feminist Dilemmas in Fieldwork*, Oxford: Westview Press, pp. 1-54; Mullings, B. 1999 "Insider or Outsider, Both or Neither: Some Dilemmas of Interviewing in a Cross-Cultural Setting", *Geoforum*, No 30, pp. 337-350; Scheyvens R. and H. Leslie. 2000. "Gender, Ethics and Empowerment: Dilemmas of Development Fieldwork", *Women's Studies International Forum*, Vol. 23, No 1, pp. 119-130.

remove the possibility of ethical dilemmas in the field in dealing with the participants. Quite often I noticed sharing the same gender was not an important or determining factor in being regarded as an 'insider'. In a few instances, my gender came after my ethnicity. In a few instances, the gate keepers at the police units kept asking if I belonged to the Pamiri ethnicity. Similarly, women in remote places wondered if I belonged to Pamiri group because of my name and other characteristics. In some places this created a tension because of the tense relationship between different ethnic groups. However, gradually I managed to gain their trust and establish some form of relationship. My position constantly changed from insider to outsider, from outsider to insider. During the research process in different situations my position as an insider easily turned to that of outsider.

I was aware that among other characteristics, educational background and class may intensify the unequal power relationship of the researcher and participants and in most cases in favour of the researcher. However, I agree with some feminists' work, which argues that the power balance may often shift, leading the researcher also to feel vulnerable.<sup>150</sup> This was more obvious when interviewing 'powerful' participants, such as local officials, and law enforcement officers: people who are in a better position to exercise their right to accept or decline participation in the study.

### **2.6.1. Close Relationship with Participants or 'Friendly Ear'**

Another issue that may arise and which has been part of feminist discussion is harm to participants as a result of their participation in the research. Women's participation in research, or their association with the researcher, may put them at risk especially if the research is believed to question the already established strong relations between men and women in a patriarchal community.<sup>151</sup> Even though it seems to be the responsibility of the researcher, at least, to attempt to avoid bringing harm to the participants, it seems rather difficult to predict when potential harm may occur,<sup>152</sup> and in some cases the

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<sup>150</sup> De Laine, 2002; Sultana, 2007.

<sup>151</sup> Berik, 1996; Wolf, 1996; De Laine, 2002.

<sup>152</sup> Fontes, 1998; Edwards and Mauthner, 2002; Ellsberd, *et. al.*, 2001.



researcher may not be in control of the situation to prevent and stop any harm.<sup>153</sup> Bearing all this in mind, this study followed the principle of ‘thinking ethically’.<sup>154</sup>

Given the difficulties in terms of having a ‘close’ relationship with participants discussed in the work of Jaffe and Miller<sup>155</sup> I decided that in the context of Tajikistan I may face similar ethical dilemmas. In addition, my previous experience of interviewing women victims of violence and the experience of other researchers<sup>156</sup> left me with the belief that a more ‘distant’ relationship with participants should be pursued in this research.<sup>157</sup> I found Finch’s work<sup>158</sup> useful to employ in the context of Tajikistan who notes that there are moral issues raised by the interview model of research, which encourages friendship between researchers and researched, leaving room for potential exploitation of subjects of research to gain source material. Although most of feminist scholarship, including the studies of Finch and Oakley, discuss the ethical dilemmas with regard to interviewing women in the Western context, they still informed my research of potential dilemmas I might face during the fieldwork. I initially decided that I would not establish friendship or intimacy with the participants in order to reach the goal of ‘finding out about people’<sup>159</sup> because of the possible implications. However, when I was in the field it was hard to keep a distance, and I sympathized with women participants and developed strong relationships with them. It was also difficult to keep a distance relationship with participants in the context of Tajikistan because I stayed with families, in an environment where it is difficult to remain a ‘stranger’ if the families welcome you and start treating you as their family member. I failed with my initial intention to pursue the role of a

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<sup>153</sup> Berik, G. 1996. ‘Understanding the Gender System in Rural Turkey: Fieldwork Dilemmas of Conformity and Intervention’, Wolf D. (Ed.) *Feminist Dilemmas in Fieldwork*, Oxford: Westview Press. pp. 56-71; Sultana, 2007.

<sup>154</sup> Piper and Simons, 2005.

<sup>155</sup> The work of Jaffe and Miller (1994) focuses on positionality and structural embeddedness in qualitative research; Oakley, 1997. “Interviewing Women: A Contradiction in Terms”, H. Roberts (Ed.), *Doing Feminist Research*, London: Routledge, pp. 30-61;

<sup>156</sup> Ribbens, 1983; Wolf, 1996; Russell 1999; De Laine, 2002.

<sup>157</sup> Jaffe and Miller 1994, p. 55.

<sup>158</sup> Finch, J. 1984. “It’s Great to Have Someone to Talk to: The Ethics and Politics of Interviewing Women”, in C. Bell and H. Roberts (Eds.), *Social Researching: Politics, Problems, Practice*, London: Routledge, pp. 70-87.

<sup>159</sup> Oakley, 1997.

‘friendly stranger’ but I managed to provide a ‘sympathetic ear’ as suggested by Cotterill<sup>160</sup> and developed ‘partnership’ relationships with participants for this particular research. The ‘sympathetic ear’ or a ‘friendly stranger’ approach perhaps would have worked if the interaction between the researcher and the researched was limited to interviews only, but since I spent days in close contact with key participants it was difficult to provide participants only with a sympathetic ear.

After each interview or informal discussion, when I summarized my notes and reflections, I checked it with the participants. I asked them if they had any questions or comments. Modavlat and Nisso both expressed their disbelief that anyone is interested in their problems or that any institution is willing to solve their problems.<sup>161</sup> Modavlat noted that ‘don’t think that it’s like in the west, unfortunately no one follows the law here ... nobody (including the government) really cares about what is happening to us.’<sup>162</sup>

I came to realize that it was difficult to draw a clear line between the role of ‘friendly stranger’ and a friend who cares and is in a position to provide assistance of any form, which may lead some participants, especially vulnerable ones, to develop false expectations (e.g. about the provision of financial/material and/or psychological support).

In cases when potential participants were identified through women’s centres, I discussed potential psychological and/or physical harm with the centre personnel and whether I should refrain from contacting them. In cases when a potential participant was identified through another participant (e.g. a woman victim of violence identified other victims of violence) I had to consider carefully whether the identified participant/s should be contacted.

I sought the consent of the participants. I informed the participants about the purpose, nature and implications of my study, and asked for their permission in sharing their

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<sup>160</sup> Cotterill, P. 1992. “Interviewing women: Issues of Friendship, Vulnerability, and Power” in *Women Studies Int. Forum*, Vol. 15, Nos 5/6, pp. 593-606; Ribbens, J. 1989. “Interviewing –an “Unnatural Situation”?” in *Women’s Studies Int. Forum*, Vol. 12, No.6, pp. 579-592; Russell, C. 1999. “Interviewing Vulnerable Old People” Ethical and Methodological Implications of Imagining Our Subjects”, *Journal of Aging Studies*, Vol. 13, No 4, pp. 403-417.

<sup>161</sup> Interviewees F30 and F16.

<sup>162</sup> Interviewee F30.

views. I also explained that they had a right to withdraw their participation at any time during the interview or the research in general. The participants were given the opportunity to keep their information private and confidential. However, in certain circumstances, where there was a possibility that participants could be identified, I took necessary precautions to protect the identity of participants, not only changing their real names, but also any other characteristics which may give a hint as to their identity. This issue is more relevant to small urban or rural places. In such small places, apart from names, other characteristics, such as place of birth, number of children, ethnicity and educational background may expose the identity of participants.

The identities of participants were not revealed to other participants during the fieldwork. There were queries from some participants to name others who had participated in the study. The police officers and officers at the prosecution office seemed to be more curious than others to know if other law enforcement officers had also 'given interviews' and what they had said.

When participants had been recruited and interviews conducted, I checked and verified with them the nature of the information obtained in the interview whenever it was possible (it was not always possible, especially in places that were not easily accessible). I drew a summary of each interview and checked it with the participant. If I made any initial summary and interpretation of topics and themes that I thought had come up during the interviews, I checked with participants if they agreed with my summary and interpretation. I also recognized that the actual thesis would be written outside of Tajikistan and verifying and checking analysis of the obtained information might be difficult with some participants due to the lack of means of communication. I therefore pointed out this problem to potential participants before they had made their decision to participate. Potential participants were also informed of the possibility of publishing an article in Tajikistan upon completion and approval of the thesis. I intend to remain cautious of the implications of publishing.

### 2.6.2. Remuneration for Participants

Participants were not remunerated for their participation in the research. I stayed with some participants for a prolonged time, observing how they lived in their houses. Apart from asking them painful and intrusive questions I also shared their happiness and sorrows. I offered assistance with housework whenever I could, helped their children with their homework, gave them small tokens of appreciation and acknowledged their commitments. Most of the families I stayed with faced hard financial difficulties, but despite this hardship these people refused to take money from me for staying in their houses and opened up their houses; Modavlat used to say ‘as the Russian saying goes “v tesnote da ne v obide”’,<sup>163</sup> if I look after you someone else will look after my daughter if she goes away’. I helped them out with fetching water, working in the field, planting and cultivating vegetables.<sup>164</sup> I also did babysitting in some families, when women had to go and harvest. I accompanied Modavlat and Manija to hospitals when they had problems with their kidneys. I nursed Nisso’s younger daughter when she was ill with flu and later an ear infection, because Nisso had to be hospitalized with high blood pressure. All this I did in the hope that it would compensate somehow for my hosts’ generosity.

Since I belong to the same culture, I thought it would be easy for me to integrate and be accepted. Being an ‘insider’ also implies that participants expect you to behave in accordance with the gendered and societal norms. I soon came to realize that I had to comply with a certain way of conduct that was contrary to my principles.<sup>165</sup> In my home town I stayed with my parents. On one occasion when I was about to go and see a religious clerk (*mullah*) my father asked me to wear something ‘appropriate’ if I was going to see the *mullah* so that I was ‘accepted’ there. Previously I would have rebelled and did what I thought was appropriate. However I did not want to compromise my research in

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<sup>163</sup> ‘The more the merrier’. Interviewee F30.

<sup>164</sup> Although I belong to the same culture, coming from urban place, these practices were unknown to me, therefore my attempts to help amused my hosts who took their time to teach me these things. Every task I learned from each household I applied in another.

<sup>165</sup> See Golbart and Hustler on the expectations in the field based on researcher’s gender. Goldbart J. and D. Hustler. 2005. “Ethnography”, B. Somekh, C. Lewin (Eds.), *Research Methods in the Social Sciences*, California: Thousand Oaks, pp. 16-23.

any way and therefore in certain circumstances I tried to comply with the norms. I came to realize that I did not have a secure, fixed 'insider' or 'outsider' position. My position as an 'insider' constantly changed. On the one hand I was an insider belonging to the same culture, influenced by the cultural and societal norms. On the other hand I had been away for seven years from Tajikistan and during that time I had made only a few short visits. I studied in the UK and every visit to Tajikistan made me realize how much I was influenced by the concepts and knowledge I had gained during my studies at the Institute of Ismaili Studies in London and the University of Sussex, as well as my working experiences in the field of human rights and women's rights with international organizations which exposed me to different concepts and knowledge and shaped my perceptions and beliefs. Each document obtained during the fieldwork was scanned and kept safely away and inaccessible for others. Similarly, interview transcripts and records were saved and password protected.

## **2.7. Conclusion**

This chapter highlights the benefits of employing a feminist approach to empirical research and the use of data collection and analysis methods. Given the nature of this study, ethical dilemmas (no matter how much one can prepare) will be encountered in the field, particularly in a context where the topic of research remains problematic and the methods of data collection employed are not widely known or understood. Therefore, it is important that the impact of such study on participants and participants' impact on the direction and nature of the empirical research is recognized. It is the responsibility of the researcher to remain aware and reflect on the possible ethical implications of a study such as this in order to prevent harm and a negative impact on participants.

## 3. Gender Relations in Tajikistan

### 3.1. Introduction

This chapter explores the development of the ‘woman question’ in Tajikistan. Throughout the history of Tajikistan the position of women has played an important part and discussion of women’s status in society in Tajikistan is not new. In Tajikistan, concepts to do with women’s liberation and the equality of men and women had been introduced long before its independence. While major transformation with regard to the status of women started with the Soviet’s liberation policies, nevertheless, their equality policies did not have much effect on the gender roles within the family. These remain important factors contributing to VAW.

In post-Soviet times, the ‘woman question’ has regained significance in the socio-economic and political changes. In order to understand current responses to violence against women and to explain how these intersect with the cultural construction of this phenomenon, this chapter considers the history of gender relations in Tajikistan. It discusses the influence of socio-economic and political changes in Tajikistan on the position of women in society and at home.

The first part explores the impact of the Soviet equality policies on gendered norms and expectations, their achievements and failures. Understanding the Soviet’s influence on gendered norms and expectations sheds light on why, after approximately seventy years of Soviet rule, the position of women deteriorated with its disintegration. It argues that the Soviet’s equality policies were deficient because they refrained from actively challenging and changing the existing gender stereotypes. This also impacted on the enforcement of the laws that were introduced to protect women from violence.

The presence of existing gender roles is more apparent in the family. Therefore, the second part of this chapter explores the family structure and relationships and the importance ascribed to marriage by society. This chapter discusses how gender norms

construct the shame-and-honour system by which women's mobility and sexuality is strictly controlled.

## 3.2. Women's Position in Society

### 3.2.1. Creating a 'Surrogate Proletariat' in Tajikistan

Before the Soviets came to Central Asia, women, in general, held inferior positions to men. Studies by Tsarist ethnographers suggest that the status of women varied from one ethnic group to another.<sup>166</sup> Women in the nomadic groups of Kazakhstan, Kyrgyzstan, Turkmenistan and some parts of Uzbekistan enjoyed comparatively better access to public life than non-nomadic women in Tajikistan and Uzbekistan.<sup>167</sup> Among the non-nomadic women of Tajikistan, women in mountainous places, particularly the Badakshan region, were in a better position to participate in public and social events and to walk outside home without being accompanied by a man and without a *parandja* (veil),<sup>168</sup> than women of other non-nomadic groups who were completely secluded from public life.<sup>169</sup> In other areas it was virtually unknown to see a girl or a woman outside without a *parandja*, a garment used by Sunni women in Tajikistan and Uzbekistan, to hide them from men's gaze.<sup>170</sup> Women enjoyed different levels of freedom and had different experiences based on their cultural practices. Despite these different levels of freedom between groups,

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<sup>166</sup>Tsarist ethnographers in their studies of different ethnic groups in Central Asia observe different level of participation of women in public life among women. See for instance, Andreev, M. S., 1925. *Pro Etnografii Tadzhikov: Nekotorie Svedeniya*, (Brief Account on Ethnography of the Tajiks), Tashkent: Obshestvo Dlya Izucheniya Tadzhikistana i Iranskikh Narodnostey za Yego Predelami; Andreev, M. S. and A. K. Pisarchik, 1953. *Tadzhiki Dolini Khuf*, (The Tajiks of the Khuf Valley), Vol. 1 and 2, Stalinabad: Tadzhikigosizdat; Zarubin I. 1926. *Naselenie Samarkandskoi Oblasti*, (Population of Samarqand Province), Leningrad. It may have worked in the interests of both Tsarist Russia and Soviet Union to portray the 'indigenous' population of Central Asia as backward to show their superiority. Harris draws on the Soviet Union's interest to show that women in Central Asia were in inferior position and ignoring the Jadidia movement (that started before the arrival of the Soviet Union) which aimed to change certain religious practices including certain changes in women's position. Harris, 2005, p. 48.

<sup>167</sup> Andreev, 1925.

<sup>168</sup> Bacon, E. 1980. *Central Asians Under Russian Rule: A Study in Culture Change*, New York: Cornell University Press, p. 64, 210.

<sup>169</sup> Andreev *et. al.*, 1953, p. 13-15.

<sup>170</sup> Bacon, 1980.

women, in general, were still in a subordinate position to men and possessed limited or no rights under the religious law in legal matters such as the inheritance of land and property and the right to divorce.<sup>171</sup> Women and children were considered to be the property of men and therefore it was considered normal that women were subjected to different forms of abuse.<sup>172</sup>

When the Bolsheviks came to Central Asia in the early 1920s, they directed their attention to changing the inferior position of women.<sup>173</sup> The status of women<sup>174</sup> was an integral part of the Bolsheviks' struggle against the oppressive regimes in Tsarist Russia and in pre-Soviet Central Asia. The Bolsheviks recognized the importance of the woman's role and considered it necessary to direct their attention to women's liberation when establishing a new state. The role of women in the social transformation of society was essential in the formation of the Soviet Union.<sup>175</sup> Women's inferior position and poor

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<sup>171</sup>Quran verse 4:34 acknowledges men's superiority (physically and intellectually) and gives men the authority over women. This verse also requires women to obey their husbands; Quran 4:11 provides that share of a man shall be twice that of a female; Quran verse 34 allows beating of a wife. However there are different interpretations of this verse regarding the permissible degree of beating, see Ahmed, L. 1993. *Women and Gender in Islam: Historical Roots of a Modern Debate*, Yale University Press; Massell, 1974; Massell, 1967; Quran verse 2:228 and 2:229- men can obtain divorce by announcing divorce three times, whereas women's right to divorce is limited; Quran 2:228 also provides that a woman's testimony is half of a man. Hanafi school of thought in Islam was predominate in Central Asia, therefore the jurisprudence applied the interpretation of the Hanafi school which provided that divorce was regarded effective and valid regardless whether the husband said it as a threat, a jest, in drunkenness, or even under compulsion. See Mernissi, F. 1987. *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society*, Indianapolis: Indiana University Press, p. 52; See also Massell, G. J. 1974. *The Surrogate Proletariat: Moslem Women and Revolutionary Strategies in Soviet Central Asia, 1919-1929*, Princeton: Princeton University Press.

<sup>172</sup> Harris, C. 2004. *Control and Subversion: Gender Relations in Tajikistan*, Pluto, p. 21, 148-56; Akiner, S. 1997. "Between Tradition and Modernity: The Dilemma Facing Contemporary Central Asian Women", in Buckley, M. (ed.), *Post-Soviet Women: From the Baltic to Central Asia*, CUP, pp. 261-304.

<sup>173</sup> See Massell, 1974; See also Massell, G. 1967. "Law as an Instrument of Revolutionary Change in a Traditional Milieu: A Case of Soviet Central Asia", *Law and Sociology Review*, Vol. 2.

<sup>174</sup>The 'woman question' is a Marxist formulation of the position of women. See Judith, M. 1989. *Kino and the Woman Question: Feminism and Soviet Silent Film*, Columbus: Ohio State University Press, p-4. In Marxist analysis the woman question is linked to class formation and exploitation, therefore the focus is on the economic aspect. For Marxists' formulation of the woman question and feminists' interpretation of it see Hartmann, Heidi I. 1996. "The Unhappy Marriage of Marxism and Feminism: Towards a More Progressive Union", Lippit V. D. (Ed.), *Radical Political Economy: Explorations In Alternative Economic Analysis*, New York: M. E. Sharpe Inc., pp. 165-196; For more detailed discussion on the woman question in the Soviet Union see Buckley, M. 1985. "Soviet Interpretations of the woman question", in B. Holland (Ed.), *Soviet Sisterhood: British Feminists on Women in the USSR*, Fourth Estate.

<sup>175</sup> Farnsworth, B. B. 1976. "Bolshevism, the Woman Question, and Aleksandra Kollontai", *The American Historical Review*, Vol. 81, No2, pp. 292-316, p. 292.



legal protection under the Tajik *Shariah* law provided the Bolsheviks with numerous opportunities to introduce changes with the aim of creating a group of devoted followers.<sup>176</sup> However the Soviets did not introduce their changes rapidly as they recognized and anticipated the possibility of strong opposition in Central Asia.<sup>177</sup> The Soviets had previously faced antagonism in Russia when introducing their women's liberation policies and were aware that if they introduced major changes in a short period in Central Asia they would face strong hostility.<sup>178</sup>

Thus the Bolsheviks started delivering their women's liberation programmes gradually, starting from around the 1920s.<sup>179</sup> There were a number of activities that the Soviets organized for the disadvantaged groups which included peasants and women. The majority of the population in Central Asia was illiterate, thus *likbez* (short for '*likvidasia bezgramotnosti*' – eradication of illiteracy) and – most importantly – schools for girls were opened.<sup>180</sup> Attendance of girls in these schools was very low because they had to overcome numerous challenges.<sup>181</sup> Schools were considered to be unnecessary and dangerous for girls and women; it was believed that teaching them to read and write would lead to adultery as they would know how to write 'love letters'.<sup>182</sup> Therefore, family members and relatives prevented girls and women from attending the schools.<sup>183</sup>

### 3.2.1.1. Khujum campaign and the ban of *feudal bey* practices

One of the most important actions of the Soviet social transformation was the *khujum* (unveiling) campaign which entailed a mass unveiling.<sup>184</sup> The Soviets recognized the importance of this campaign and therefore were careful about when to start it.

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<sup>176</sup>Quran verse 4:34; Quran verse 2:228 and 2:229- men Quran verse 2:228 Quran verse 34, supra note 170.

<sup>177</sup> Serebrennikov, N. 1937. "Introduction", *The Position of Women in the U.S.S.R*, London and Southampton: The Camelot Press Ltd, p. 58.

<sup>178</sup> *Ibid.*

<sup>179</sup> Massell, 1974, pp. 192-200.

<sup>180</sup> *Ibid.*

<sup>181</sup>Keller, S. 1998. "Trapped Between State and Society: Women's Liberation and Islam in Soviet Uzbekistan, 1926-1941", *Journal of Women's History*, Vol. 10 (spring), pp. 20-44.

<sup>182</sup> Khalikova, A. 1949. *Jenshini Sovetskogo Tadjikistana* (Women of the Soviet Tajikistan), Stalinabad: TadjikGosIzdat.

<sup>183</sup> *Ibid.*

<sup>184</sup> See Massell, 1974.

The *khujum* campaign (assault against ‘mouldy old ways’<sup>185</sup> of female seclusion and inequality) was launched on the socialist holiday of International Women’s Day (8 March) 1927.<sup>186</sup> The aim of this campaign was the complete transformation of everyday life (in Russian ‘*bit*’), especially in terms of gender relations and family life.<sup>187</sup> It was aimed, above all, at the ‘eradication of the heavy head-to-toe veils of horsehair and cotton that many Muslim women (and girls over the age of nine and ten) wore in the presence of unrelated men’.<sup>188</sup> The Bolsheviks organized public events where women took off their veils and burned them.<sup>189</sup> Unveiling by women was considered to be a symbolic representation and rejection of the existing cultural norms but led to devastating consequences for women who took part in the campaign.<sup>190</sup> The campaign resulted in increased violence against women between 1927 and 1929.<sup>191</sup> Of the thousands of women who dared to take off their veils or replace their veils with a red head scarf in public, hundreds were murdered,<sup>192</sup> faced harassment or were beaten and ostracized by their own fathers, brothers or other relatives or community members.<sup>193</sup> *Mullas* (priests) refused to carry out religious funerals for these women or allow their bodies to be buried in the cemetery.<sup>194</sup>

This campaign was not welcomed by even the most devoted local members of the Communist Party. Massell notes that even the most committed Tajik male members of the Soviet party and its officials did not want their wives to unveil and would hire other

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<sup>185</sup> Douglas, N. T. 2004. *Veiled Empire: Gender and Power in Stalinist Central Asia*, New York: Cornell University Press, p. 12.

<sup>186</sup> *Ibid.*

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*

<sup>189</sup> Massell, 1974.

<sup>190</sup> Keller, 1998.

<sup>191</sup> Massell, 1974, pp. 226-248, pp. 322-359. There were also cases when native (‘Tajik’) members of the Soviet party, Soviet officials, who remained conservative in their views, also treated unveiled women as prostitutes, p. 304.

<sup>192</sup> It is hard to estimate the actual number as there are different figures given by different scholars. The number of those murdered ranges from several hundred to several thousand. Keller, 1998; also see Douglas N., 2000. ‘Languages and Loyalty: Gender, Politics and Party Supervision in Uzbekistan: 1927-41’, *Russian Review* No59, pp. 179-200.

<sup>193</sup> Massell, 1974; Keller, S. 2001. *To Moscow Not to Mecca, 1917-1948*, London, pp. 115-118.

<sup>194</sup> Kamp, M. 2006. *The New Woman in Uzbekistan: Islam, Modernity, and Unveiling Under Communism*, Seattle: University of Washington Press.

women in their wives' place for the unveiling.<sup>195</sup> Local women played an active part in the transformation of their lives and they did not passively follow the new rules as described in the Soviet literature.<sup>196</sup> A number of young women actively engaged in supporting the changes in their lives, travelling to other villages, calling on other women to attend schools and unveil and standing up against traditional practices that kept women in an inferior position.<sup>197</sup>

Although *khujum* was one of most important parts of the Soviet's programmes targeting the position of women, other Soviet policies targeted old, religious practices which they believed contributed to women's inferior position in the region. For the Bolsheviks, the women's unequal position was linked to traditional and religious practices. Prior to the Soviets' arrival, the legal system had been based on the *Shariah* (Islamic tradition).<sup>198</sup> Later, however, any courts operating under Shariah law were completely abolished for their failure to serve the interests of vulnerable peasants and women.<sup>199</sup> These traditional practices were labelled as *feudal bey* practices and criminalized: these included *kalyn* (bride-price money paid by a groom to a bride's family), bigamous/polygamous and under-age marriages (the minimum age for marriage was raised from 9 to 16)<sup>200</sup>, and forced and arranged marriages.<sup>201</sup> It seems that the Soviets believed, that by eradicating

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<sup>195</sup> Massell, 1974.

<sup>196</sup> These new rules included attending illiteracy schools, unveiling, attending party activities, and in general be in public places. See *Kommunisticheskaya Partiya Sovetskogo Soyuza v Rezolyutsiyakh I Resheniyakh S'ezdov, Konferentsii I Plenumov TsK*, 7<sup>th</sup> Edition, Part I, 1898-1925, Part II, 1925-1953, Moscow, 1953 (Collection of Decrees and Resolutions of the Central Committee; See for instance, Serebrennikov, 1937.

<sup>197</sup> Harris, 2004; Massell, 1974.

<sup>198</sup> Corcoran-Nantes, Y. 2005. *Lost Voices: Central Asian Women Confronting Transition*, London: Zed Book, p. 33-36.

<sup>199</sup> Massell, 1974; Hazard, J. N. 1982. *Managing Change in the U.S.S.R: the Politico-legal role of the Soviet jurist*, Cambridge, London, New York, Sydney: Cambridge University Press.

<sup>200</sup> Before the Soviets marriageable age for girls was determined by various ways, such as throwing an apple at her and if she did not fall then she was considered ready for marriage. See Khalikova, 1949; The Soviet Family Code (Art. 2 of the Family Code, 1961) provided a minimum age for marriage and the Soviet Criminal Code criminalized marriages with underage (Art. 132 Marriage with underage, Criminal Code of the Soviet Republic of Tajikistan, 1961).

<sup>201</sup> Art. 130 Payment and Acceptance of Bride Price; Art. 131 Compelling of Women to Enter into Marriage or Obstruction of Entry Into Marriage, Art. 132 Marriage with underage, Art. 134. Bigamy or Polygamy, Criminal Code of the Soviet Republic of Tajikistan, 1961; Massell, 1974, p. 200-212. Also see Douglas, N. 2001. "Subaltern Dialogues: Subversion and Resistance in Soviet Uzbek Family Law", *Slavic Review*, Vol. 60, No1 (Spring), pp. 115-139.

these old practices (*feudal bay*), women's position would automatically improve. In the late 1920s and early 1930s the Soviets introduced a legal system banning these practices.<sup>202</sup>

In addition to criminalizing '*feudal bay*' practices, the new Soviet constitution granted women full social-economic and political rights equal to men.<sup>203</sup> Women's participation in public life was encouraged. Women's clubs and committees were especially designed for women, allowing women to gather together and socialize.<sup>204</sup> These clubs also served as a tool to increase women's participation in the political sphere.<sup>205</sup> Gradually the number of women working outside the home, in education and in political life increased.<sup>206</sup> The Soviets continued amending the Soviet legal system to better protect women and children.<sup>207</sup> The Family Code was amended in 1961 to make obtaining divorce, particularly for men, more difficult to ensure some form of financial stability for women with children under the age of three.<sup>208</sup> Also, failing to provide financial support for children was criminalized to ensure that mothers received child maintenance support upon divorce.<sup>209</sup> A wife also obtained the right to recover civil damages from her husband for personal injury or breach of contract and to choose her occupation and profession according to her wishes.<sup>210</sup> In the marriage, a wife's ownership of the property she brought with her into marriage and of joint property (acquired during the marriage) was

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<sup>202</sup> See Massell, 1974;

<sup>203</sup> Kamp, 2006.

<sup>204</sup> Massell, 1974, pp. 200-203.

<sup>205</sup> Kamp, 2006.

<sup>206</sup> Harris, 2004, pp. 63-109.

<sup>207</sup> For instance, Art. 6 on Protection and Encouragement of Motherhood, Family Code of the Soviet Republic of Tajikistan 1961, Art. 17 on Restrictions on the Husband's Right to File a Claim for Dissolution of the Marriage (restricting the husband's right to institute court proceedings on dissolution of the marriage during the wife's pregnancy and in the course of one year after the birth of the child), Family Code, 1961; See also Serebrenikov, 1937, pp. 67-75.

<sup>208</sup> Art. 17 on Restrictions on the Husband's Right to File a Claim for Dissolution of the Marriage (restricting the husband's right to institute court proceedings on dissolution of the marriage during the wife's pregnancy and in the course of one year after the birth of the child), Family Code, 1961; Article 18 on Dissolution of marriage, the Family Code, 1961.

<sup>209</sup> Article 126 on Evasion of payment for support of children. Criminal Code of Tajik SSR, 1961. Also see Butler, W. E. 1988. *Soviet Law*, Butterworths; Berman, H. J. 1966. *Soviet Criminal Law and Procedure: The RSFSR Codes*, Harvard: Harvard University Press.

<sup>210</sup> Article 18 on Dissolution of marriage, the Family Code, 1961; Art. 142 on Obstruction of Exercise of Equal Rights of Women, Criminal Code of Soviet Republic of Tajikistan, 1961; see also Berman, 1966.

acknowledged.<sup>211</sup>

### 3.2.1.2. The Soviet law and violence against women (VAW)

Having introducing the socio-economic and political rights and legal provisions to protect women and their children, the Soviets disregarded any need for drastic action with regard to VAW because of the legal provisions introduced in the Criminal Code.<sup>212</sup> Even in the late 1970s when domestic violence had been identified as a social problem in the US and the UK,<sup>213</sup> in the Soviet Union there was no indication that the issue of VAW was raised. This was perhaps because the Soviets believed that they had set up mechanisms that ensured the protection of women. These mechanisms included criminalizing practices which would obstruct women from enjoying their gender-equal socio-economic and political rights. The criminal codes of the Soviet Republics allowed for the punishment of anyone who attempted to obstruct the emancipation of women.<sup>214</sup> Under the criminal law, women were given protection and relatives could not force or prevent them from entering into a marriage. Relatives could be prosecuted if they forced a woman to be married against her will.<sup>215</sup> Anyone who used his or her superior position or an economic obligation to induce another to participate in sexual intercourse could be punished for rape.<sup>216</sup> Other articles in the Tajik Soviet Criminal Code included the obstruction of

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<sup>211</sup> Article 18 (2) on Dissolution of Marriage, The Family Code, 1961; also see Keller, 2001. *To Moscow, Not Mecca: The Soviet Campaign against Islam in Central Asia, 1917-1941*, Westport: Greenwood Publishing Group.

<sup>212</sup> See Khalikova, 1949; Wheeler, G., M. Hayward. 1964. "Crime and the courts in Tadzhikistan" Willets, *Central Asian Review*, Vol. 12, No3, London.

<sup>213</sup> Dobash R. and R. Dobash, 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books; Gelles, R. 1983. "An Exchange/Social Theory", in *The Dark Side of Families: Current Family Violence Research*, D. Finkelhor, R. Gelles, H. Gerald and M. Straus (Eds.), Beverly Hills, Calif: SAGE, pp-151-165; Pizzey, E. 1979. *Scream Quietly or the Neighbours Will Hear*, Harmondsworth: Penguin Books Ltd.

<sup>214</sup> Art. 142 on Obstruction of Exercise of Equal Rights of Women, Criminal Code of Soviet Republic of Tajikistan, 1961; Art. 132 Marriage with underage, Criminal Code of the Soviet Republic of Tajikistan, 1961; see also Berman, H. J. 1973. *Justice in the Soviet Union: An Interpretation of the Soviet Law*, Harvard University Press, p. 337.

<sup>215</sup> Art. 131 on Forced marriage, and forced cohabitation, Criminal Code of Soviet Republic of Tajikistan, 1961; Berman, H. J. 1972. *Soviet Criminal Law and Procedure: The RSFSR Codes*, p. 193.

<sup>216</sup> Art. 122, forceful act of intercourse with a woman, punishable by up to three years' imprisonment, The Criminal Code of the Soviet Republic of Tajikistan (herein CCSRT), 1961 in Sbronik Zakonov SSSR (Collection of Legislation of the Communist Party, USSR), 1963, Volume 2, Moscow: Gosizdatelstvo.

women from enjoying equality,<sup>217</sup> different levels of bodily harm<sup>218</sup>, insult<sup>219</sup>, forceful abortion, forcing women to marry or preventing women from marrying as they wished,<sup>220</sup> forced marriages of minors<sup>221</sup>, receiving and giving a bride-price (*kalyn*)<sup>222</sup> and bigamy/polygamy.<sup>223</sup> These were all regarded as criminal offences. The article on suicide stipulates that if such actions are directed at women the punishment is higher.<sup>224</sup> Forcing someone to perform or comply with religious practices was also included in the criminal code.<sup>225</sup> Sexual assault, particularly rape, and forcing a woman to have sexual intercourse, was subject to imprisonment; the severity of the punishment dependent on the severity of

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<sup>217</sup> Art. 142 Obstruction of Exercise of Equal Rights of Women: The obstruction of a woman from participating in state, social, or cultural activity, thereby substantially violating the woman's equal rights, if combined with force or threat of application of force shall be punished by deprivation of freedom for a term not exceeding two years or by correctional tasks for a term not exceeding one year. .

<sup>218</sup> Art. 111, 112, 113: punishment depending on the severity of harm of 3-10 years' imprisonment, or fine of 30 Soviet roubles, or shall entail application of measures of social pressure and Art 116 on torture. The systematic infliction of beatings or other actions which assume the character of torture, if they do not result in the consequences stated in Articles 111-112 of the present Code, shall be punished by deprivation of freedom for a term not exceeding three years, or correctional work up to six months.

<sup>219</sup> Art. 139: Insult: Insult that is the intentional lowering of the honour and dignity of a person, expressed in indecent form, shall be punished by correctional tasks for a term not exceeding six months, or by a fine not exceeding 30 roubles or by social censure or shall entail application of measures of social pressure.

<sup>220</sup> Art. 131: Compelling of Women to Enter into Marriage or Obstruction of Entry Into Marriage. The compelling of a woman to enter into marriage or to continue marital cohabitation, or the obstructing of a woman's entry into marriage, or the abducting of her for entry into marriage, shall be punished by deprivation of freedom for a term not exceeding three years.

<sup>221</sup> Art. 133: imprisonment up to three years, or correctional labour up to one year or shall entail application of measures of social pressure.

<sup>222</sup> Art. 130 Payment and Acceptance of Bride Price. The acceptance of a bride price by the parents, kinsmen, or relatives by marriage of the bride, in the form of money, cattle, or other property, shall be punished by deprivation of freedom for a term not exceeding one year with confiscation of the bride price or by correctional work for the same term with confiscation of the bride price. The payment of a bride price by the groom, his parents, kinsmen, or his relatives by marriage shall be punished by deprivation of freedom for a term not exceeding one year or by social censure.

<sup>223</sup> Art. 134. Bigamy or Polygamy. Bigamy or Polygamy, that is, a marriage with two or several women, shall be punished by deprivation of freedom for a term not exceeding two years or by correctional work for the same term.

<sup>224</sup> Art. 110: Incitement to Suicide. The incitement of a person, who is economically or otherwise dependent on the guilty person to commit suicide or to attempt suicide, by cruel treatment of the victim or systematic lowering of his personal dignity, shall be punished by deprivation of freedom for a term not exceeding five years. The same actions directed at women based on feudal practices and underage shall be punished by deprivation of liberty from five to ten years.

<sup>225</sup> Art. 153.

the crime.<sup>226</sup> Introducing these articles in the Criminal Code seemed to be sufficient and therefore no formulation of the concept of VAW happened and no public discussions on women's rights and VAW were held. Since there were no mechanisms set up to collect data on the number of women experiencing any form of violence, it is difficult to obtain an accurate assessment of the prevalence of VAW during the Soviet era. It is also difficult to understand to what extent criminalizing aspects of VAW assisted in effectively reducing cases of VAW. Post-Soviet Tajikistan inherited the same legal system but although the same legal measures are still in place (with some amendments), an increase in the number of VAW incidents has been reported since the collapse of the Soviet Union.

One issue that seems to have been overlooked by the Soviets was the effective enforcement of these legal provisions. The failure to comply with these laws in the early years (until the 1950s) of the Soviet regime is observed in the work of Wheeler and others. They discuss a number of infringements of the laws in 'feudal bey practices', including those laws requiring compulsory education for all and forbidding forced and early marriages and bigamy. They observe that, despite the existence of these laws, the breaking of them often went unpunished because Moscow lacked full control over the activities of the Tajik authorities and administration was centred in the hands of men.<sup>227</sup> In the early years of Soviet Tajikistan, those women who sought to complain to the authorities were often prevented from doing so by local officials.<sup>228</sup> One chairman of the Soviet Council advised a woman 'to make her peace with the will of God' and, when she took her case to the People's Court (this was a new court introduced by the Soviets), she was threatened with imprisonment if she persisted with her complaints against her husband.<sup>229</sup>

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<sup>226</sup> For instance rape with aggravating circumstances (rape of a girl under the age of 14 years or a close relative; by an organized group, in the course of a public calamity or mass riots, with a weapon or the threat of using a weapon) is punishable by imprisonment for a period of 15 to 20 years, or by the death penalty.

<sup>227</sup> Their work covers only until the 1950s. Wheeler, G., Max Hayward, Hary, 1964. "Crime and the courts in Tadzhikistan" Willets, *Central Asian Review*, Vol. 12, No3.

<sup>228</sup> *Ibid.*

<sup>229</sup> Wheeler, *et. al.*, 1964, pp. 190-192.

Clearly, in the early years the laws did not stop many people from obstructing the emancipation of girls or young women, preventing them from enjoying their rights. The withdrawal of girls from school in order to force them into marriage was widespread, particularly in more remote areas.<sup>230</sup> Officials engaged in the falsification of documents by changing the age of girls forced into marriage and their school attendance records.<sup>231</sup> However, in later years (from the 1960s onwards) the situation seems to have changed. This was because the Soviet regime became stronger and people feared the police and being prosecuted.<sup>232</sup> This, combined with the fact that the 'woman question' was considered to have been solved<sup>233</sup> and was not discussed publicly, prevented an accurate assessment of the effectiveness of the Soviet policies to do with equality in general and the response of the legal system in particular. It seems important that the subject be discussed publicly and that public awareness be raised about the phenomenon. In addition, patriarchal values that were maintaining women's subordination and oppression needed to be addressed. The result of the failure to do so meant that women were not provided with the necessary tools to deal with their situations and male dominance. Hence, once the state collapsed, the existing stereotypes started flourishing again because the gender norms had never been challenged and changed. This is further elaborated in the sections below.

### 3.2.2. Failed Equality? Persistence of Gender Roles

There is no doubt that the Soviets succeeded in increasing the number of women in education, employment and public life in general.<sup>234</sup> While in the pre-soviet time there were almost no women in employment, during the Soviet time there was a significant

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<sup>230</sup> *Ibid.*

<sup>231</sup> Wheeler, 1964, *et. al.*, p. 194.

<sup>232</sup> Smith, B. 1990. "The Procuracy, Citizens' Rights and Legal Reform", *Columbia Journal of Transnational Law*, Vol. 77, pp. 77-94.

<sup>233</sup> In the 1930s the Soviets claimed to have solved the 'woman question', therefore no further discussions regarded necessary. See Buckley, 1985.

<sup>234</sup> Mandel, W. 1971. "Soviet Women and Their Self-Image", *Science and Society*, Vol. 35, No3, pp. 286-310; Blekher, 1979.



increase.<sup>235</sup> In fact, the Soviets set a world record in terms of the number and percentage of women with high- and secondary technical education working in the national economy, and with the diversity of professions and trades obtained.<sup>236</sup> Women in Soviet Tajikistan did achieve an impressive level of emancipation, particularly in education,<sup>237</sup> employment,<sup>238</sup> health care<sup>239</sup> and formal legal rights.<sup>240</sup> Despite these achievements, it is believed that the Soviet equality policies failed to achieve full equality for women. The ‘woman question’, claimed to have been solved in the 1930s, re-emerged in the 1960s and the late 1980s. However, in both cases, no major changes resulted. In the 1960s, the Soviet state provided a number of other economic and social benefits for women such as free day-care and monthly supplements for women with children.<sup>241</sup> In the late 1980s the efficiency of the Soviets’ equality policies was questioned.<sup>242</sup> Articles appeared for the first time in women’s newspapers where girls from Central Asia discussed the humiliation they had experienced when they had been forced to comply with traditional practices.

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<sup>235</sup> Lubin, N.1981. “Women in Soviet Central Asia: Progress and Contradictions”, *Soviet Studies*, Vol. 33, No2, pp. 182-203, pp. 183-186; Serebrennikov, N., 1937. “Introduction”, *The Position of Women in the U.S.S.R*, London and Southampton: The Camelot Press Ltd.

<sup>236</sup> Blekher, 1979, p. 19. See also Brainerd, E. 2000. “Women in Transition: Changes in Gender Wage Differentials in Eastern Europe and the Former Soviet Union”, in *Industrial and Labour Relations Review*, Vol. 54, No 1, pp. 138-162; For general discussion on Soviet welfare see Gregory, et al. 1988; Granick, D. 1987. *Job Rights in the Soviet Union: Their Consequences*, New York: Cambridge University Press. Gregory P. R and S. C. Robert. 1986, *Soviet Economic Structure and Performance*, 3<sup>rd</sup> Ed. New York: Harper and Row.

<sup>237</sup> Mathews, M. 1982. *Education in the Soviet Union: Policies and Institutions Since Stalin*, Boston and London: Allen and Unwin.

<sup>238</sup> Women participation in labour is not an indication of full equality. A number of works discuss the types of professions women were engaged in and how the gender roles still determined women’s professions. Rimashevskaya, N. 1992. “Perestroika and the Status of Women in the Soviet Union” in *Women in the Face of Change: The Soviet Union, Eastern Europe and China*, Sh. Rai, H. Pilkington, A. Phizacklea, London, New York: Routledge, pp. 11-19; See also Lapidus, G. 1982. *Women, Work and Family in the Soviet Union*, New York, London: M.E. Sharpe; McAuley, A, 1981. *Women’s Work and Wages in the Soviet Union*, London: George Allen and Unwin; Attwood, L. 1999. *Creating the New Soviet Woman: Women’s magazines as engineers of female identity 1922-5*, New York: Macmillan.

<sup>239</sup> Hyde, G. 1974. *The Soviet Health Service: A Historical and Comparative Survey*, London: Lawrence and Wishart; Kaser, M. *Health-care in the Soviet Union and Eastern Europe*, London: Croom Helm; Bond, A. and G. Beresford. 2003. “Healthcare Development in the Former Soviet Union: Lessons to Learn in Both Directions”, *Postgraduate Medical Journal*, Vol. 79, pp. 551-552.

<sup>240</sup> Harris, 2004; Tadjbakhsh, 1998.

<sup>241</sup> Werner, C. 2009. “Bride Abduction in Post-Soviet Central Asia: Marking a Shift Towards Patriarchy Through Local Discourses of Shame and Tradition”, *Journal of Royal Anthropological Institute*, Vol. 15, No2, pp. 314-331, p. 320.

<sup>242</sup> Lapidus, 1982; Buckley, 1989.

One example of such practices was the bride being required to produce a bloodstained cloth from her first night as a newly married woman. This demand could drive some girls and young women to self-immolation if they failed to produce the bloodstained cloth.<sup>243</sup> Again, there was no major transformation in public policies; no legal changes were introduced to address women's needs; no discussions on changing the existing gender norms were held. Instead, the importance of women's roles as mothers and wives was even more strongly emphasised by those in power. In fact, Mikhail Gorbachyov<sup>244</sup> noted that steps had to be taken to ensure women could devote more time to their duties as mothers and wives at home.<sup>245</sup>

Lapidus argues that the liberation of women in the Soviet Union was not a goal in itself but one dimension of the broader transformation of all economic, social, and political institutions.<sup>246</sup> An emphasis on the role of women in child-rearing policies and legal social protection programmes contributed to the prevalent tendency to accept, rather than question, existing gender roles and simultaneously perpetuated women's dependence on men and on the state.<sup>247</sup> The Soviets continued to emphasise 'feminine' and 'masculine' qualities and virtues, which only strengthened the existing gender norms.<sup>248</sup> This presented obstacles to bringing family affairs into the public domain. Narrowing the woman's role to that of mother and wife kept women 'isolated, busy, and more concerned with their own private affairs than with public issues'.<sup>249</sup>

In reality, the transformation of Soviet women's status was limited to 'increased labour

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<sup>243</sup> Akiner, S. 1997. "Between Tradition and Modernity: The Dilemma Facing Contemporary Central Asian Women", in Buckley, 1997, pp. 261-304.

<sup>244</sup> General Secretary of the Communist Party of the Soviet Union from 1985 until 1991, last head of the state of the USSR, served until the dissolution of the USSR.

<sup>245</sup> Key, R. 1997. "Images of an Ideal Woman: Perceptions of Russian Womanhood through Media, Education and Women's Own Eyes", in Buckley, M. (Ed.), *Post-Soviet Women: from the Baltic to Central Asia*, Cambridge: Cambridge University Press, pp. 77-99, p. 88.

<sup>246</sup> Lapidus, G. 1978. *Women in Soviet Society: Equality, Development, and Social Change*, University of California Press, pp. 17-19.

<sup>247</sup> Luong, P. 2004. "Introduction: Politics in the Periphery: Competing View of Central Asian State and Societies", in Luong, P. (Ed.) *The Transformation of Central Asia: States and Societies from Soviet Rule to Independence*, London: Cornell University Press, pp. 1-28.

<sup>248</sup> Lubin, 1981.

<sup>249</sup> Carnaghan E. and D. Bahry. 1990. "Political Attitudes and the Gender Gap in the USSR", *Comparative Politics*, Vol. 22, No.4, (Jul), pp. 379-399, p. 380.

force participation and its accompanying benefits: the expansion of educational opportunities, an improved childcare system and the enactment of protective labour legislation and social programmes designed to ensure that women's employment outside the home did not overly interfere with their traditional role within it'.<sup>250</sup> Despite the claim that women had obtained the right to paid work as distinct from the unproductive, unpaid work in the family, this did not give them freedom or independence. Paid work for a Soviet woman meant that she had to combine her professional duties and input in the national economy with her role as a mother and wife. This role was based on the traditional division of labour within the family.<sup>251</sup> Although the gender divisions in most areas of Tajikistan were not very rigid,<sup>252</sup> the granting of legal and political rights did not uproot the traditional values and expectations on women and men. Thus, throughout the Soviet era, the gender-role expectations remained almost the same; women continued to bear the responsibility for raising the children and looking after the husband, while men continued to be regarded as the main breadwinner and the head of the family or the household despite the fact that women also worked outside home. Although women contributed to the household or family income, men were still publicly considered to be the heads of the families by the community. In subsequent chapters, this study presents its findings to show that failure to meet gender role expectations results in violence towards women in Tajikistan.

After the Soviet regime was fully established in Soviet Central Asia, nothing could prevent or obstruct women from participation in paid work; not societal or cultural norms, not any man or woman. In the mid-1980s, when the 'woman question' was revisited, working outside the home was thought to increase the burden for women, rather than being a source of satisfaction.<sup>253</sup> Since existing gender roles were not challenged or changed, work outside the home was not always a positive development for

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<sup>250</sup> Carnaghan and Bahry, 1990, p. 381.

<sup>251</sup> See for instance Kharchev A. and S. Golod. 1971. *Professional'naya Rabota Zhenshchin i Sem'ya: Sociologicheskoe Issledovanie*), Leningrad: Nauka. (Professional employment of women and family: a sociological study).

<sup>252</sup> Tadjbakhsh, 1998, p. 173.

<sup>253</sup> Carnaghan and Bahry, 1990, p. 380.

women. Concerns over the double burden and, in the case of Central Asian women, the triple burden,<sup>254</sup> on women were raised. These concerns, however, did not result in amending the gender role expectations in the family. Instead, promises were made whereby women would be allowed to fulfil their main duties which lay in the home. Despite the double or triple burden which persists in post-Soviet Tajikistan, many women see it as a way of escaping the routine of daily life. Gulru, a thirty-two-year-old, married, working woman with two children, explained how, under pressure from her husband, she had to modify the nature of her work and thus continue to combine her work outside the home with her duties as a wife, mother and daughter-in-law. She lives with her parents-in-law, two brothers-in-law and their families and three sisters-in-law who are unmarried:

I am happy I have a job, it is the only way I get out of the house. If I stay at home all day, I would just go crazy. I feel like a donkey, cooking, cleaning and washing all the time around the house. It feels like it will never end. I earn money so my husband has no problem with me working outside the house. Everything is very expensive so I am lucky I found a job with this international organization. He would be silly to tell me to give it up ... it is not easy to find such job. But I had to change my job position. I used to travel to other districts [part of the job] and he didn't like it. He said a proper woman should not travel; how could I take care of the family if I continued? Now I just sit in the office and do paper work. I am still happy I have it. After work I go home and everything starts all over again—the cooking, washing etc, but I am quite fast in what I do, so I manage everything well. They [parents-in-law, sisters-in-law, husband] can't complain. That's why they are quiet about my job. My mother-in-law looks after my children when I am at work, which is helpful. But there is a lot to do if you share the house with parents-in-law, brother-in-law and his family and unmarried sisters-in-law [four of them] who constantly watch and nag you.<sup>255</sup>

Modavlat, a sixty-year-old mother of eight children (with five daughters-in-law and three married daughters) who had thirty-eight years of work experience in a city court, accepted the full responsibility of domestic duties, despite her full-time work commitments:

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<sup>254</sup> Double burden is a product of the planned economy imposing women's participation and also a gendered division of labour in the family where women hold the responsibility of child rearing, food acquisition and preparation which was further complicated by the lack of services and modern appliances in most republics of the Soviet Union. In the context of Soviet Central Asian republics women had to work in the fields, perform their duties not only as wives and look after their husbands and children but also look after their in-laws. See Brainerd, E. 2000. "Women in Transition: Changes in Gender Wage Differentials in Eastern Europe and the Former Soviet Union", *Industrial and Labour Relations Review*, Vol. 54, No1, pp. 138-162; Akiner, S. 1997. "Between Tradition and Modernity: The Dilemma Facing Contemporary Central Asian Women" in M. Buckley (Ed.), *Post-Soviet Women: From the Baltic to Central Asia*, CUP, pp. 261-304.

<sup>255</sup> Interviewee F25.

Once when I was younger, I did not manage to cook dinner on time because I had to stay at work late. During the Soviet time it was hard, if you had to stay you had to stay...When I came home my husband was not pleased with that. He said “a woman even if she is a president has to make the dinner ready for her husband and children on time”. That stayed with me for the rest of my life, my entire life, and I always tried to have the dinner ready on time. I have eight children and they were young. It was hard to do everything: cooking, housework, washing, ironing every day and go to work early. It was hard ... by the end of the day I always collapsed on my bed ... but I had to do that. My mother once told me that “your husband is your god on earth” and I still remember it. A woman cannot fail to be a good wife and mother, even if she works.<sup>256</sup>

After the Soviet period, women’s primary duties remained the same. No matter how important their duties were outside the home, women had to be able to fulfil their primary duties in the family. This could be because the Soviets objective was to increase women’s participation in the Soviet labour market, without bringing real changes in domestic roles. Concoran-Nantes notes that the Soviet equality policy rested entirely on the basis of establishing female economic independence.<sup>257</sup> Carnaghan and Bahry, in their study of gender relations in the Soviet Union, note that women who work outside the home have more liberal or feminist attitudes to sex roles and equal opportunities.<sup>258</sup> Hegland, studying spousal violence in the Middle East, suggests that social norms contribute to young women’s economic dependence on their husbands.<sup>259</sup> In order to ensure their submission, they are denied the opportunity of working outside the home. Thus, they are prevented from obtaining higher levels of education, which, in turn, maintains the control by fathers, husbands, or brothers.<sup>260</sup> Women working outside the home acquire information, skills for action, qualification for leadership and a basis for interest in politics.<sup>261</sup> Yet Haarr’s study shows that the reverse is present in Tajikistan. The findings of this study also suggest that access to work outside home does not necessarily result in changes in the societal norms and gender role expectations. Economic independence (through employment) does not necessarily result in greater social independence and automatically eliminate gendered expectations and the values that

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<sup>256</sup> Interviewee F30.

<sup>257</sup> Concoran-Nantes, 2005, p. 63.

<sup>258</sup> Carnaghan and Bahry, 2005, p. 380.

<sup>259</sup> Hegland, M. 1999. “Wife Abuse and the Political System: A Middle Eastern Case Study”, pp. 234-251.

<sup>260</sup> Hegland, 1999, p. 237.

<sup>261</sup> *Ibid.*

dictate female subordination and male dominance. Women still feel the need to comply with their gender role expectations. Haarr's study of wife abuse in post-Soviet Tajikistan demonstrates that married women who have a higher education and/or work outside the home can feel more pressure to abide by the gender norms to fulfil their duties as mothers and wives.<sup>262</sup> Interestingly, Haarr's study demonstrates that those women are also more likely to approve of a husband's and/or mother-in-law's violence towards the wife if the latter neglects her duties.<sup>263</sup>

After the disintegration of the Soviet Union, traditional gender roles and stereotypes became even more firmly entrenched. In the 1990s, after independence, Tajikistan was embroiled in a civil war between the pro-communist party (later changed to democratic) and the United Tajik Opposition. This later turned into a conflict between ethnic groups.<sup>264</sup> During the war, the situation of women deteriorated substantially. Women were beaten, raped and killed by different groups for various reasons including their lifestyles and ways of dressing.<sup>265</sup> However, these crimes were not reported and no

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<sup>262</sup> Haarr, 2007.

<sup>263</sup> Haarr, 2007, pp. 263-267.

<sup>264</sup> Fortna, V. P. 2004. "Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace after Civil War", *International Studies Quarterly*, Vol. 4, No2, pp. 269-292.

<sup>265</sup> Falkingham, J. 2000 *Country Briefing Paper: Women and Gender Relations Tajikistan*, Asian Development Bank, p. 14; Chapman, Gregory. 2011. "Poverty in Central Asia: Kazakhstan versus Tajikistan", *Global Majority E-Journal*, Vol. 2, No. 1 (June), pp. 19-30, p. 17-19. One of the participants of this study (a male in his late 60s) noted that in his village young girls were 'violated' – sexually abused by militants. Parents were scared to let their daughters outside; if a girl was noticed by a militant, he would force her to become his 'wife'. He would take her by force and if she or her family refused, he would kill them. He also noted that many young girls and women were hanged, but he also noted that there was no record kept of this and no attempts were made to verify such events after the war finished. He pointed out that he doubted parents would be happy to go back and remember all the atrocities that took place at that time. M4. On rape in conflict situations and rape as a weapon of war see Chinkin, C. 1994. "Rape and Sexual Abuse of Women in International Law", *European Journal of International Law*, Vol. 5, pp. 326-341.

measures were taken to tackle the issue and bring the perpetrators to justice.<sup>266</sup> During the civil war, the international community, through the UN and OSCE, played an important mediating role. In 1994, the UN set up a special office (United Nations Mission of Observers in Tajikistan) to monitor the ceasefire agreement between the government and the opposition.<sup>267</sup> For the first time, Tajikistan opened its doors in 1993 to the international community and international organizations started to operate in the country.<sup>268</sup> It was also at this time (in the early- and mid-1990s) that Tajikistan ratified most of the UN conventions without reservations; the first among the former Soviet Central Asian states to do so (discussed further in chapter 4).<sup>269</sup> The international community continues to play a significant role in promoting human rights and women's rights in the country<sup>270</sup> (more on this in chapters 4 and 6).

In addition to violence, other issues were raised by these organisations relating to the overall decline of women's position in society: the reduced number of women in political

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<sup>266</sup> I did not focus on the use of violence against women in conflict situations which was beyond the scope of this study, but while staying in villages these issues were brought up in informal conversations. I therefore asked police officers, during informal conversations, about these matters. I asked at two police units if they had any records of related stories; they responded that they lacked such records because 'it was not a stable period ... many crimes were committed ... it was a struggle for life ... it was not possible to always keep records of all the crimes, but it does not mean that police officers did not do their work; it was just a difficult period; nothing worked; nobody cared; many had guns ... policemen are mortal people as well; without any support it is hard to do any kind of job; besides, people did not wish to come forward with such cases ... in times like that you better hide female members if you want to save them; if you fail, militants or gangsters will take advantage of that'. MJS13, MJS3, MJS9. Another officer from the prosecution office noted, 'after the war finished we had to deal with small gangs who did not want to hand over their guns, etc. They wanted to keep guns to sort out their business their own way. There were many major issues we had to work on; of course what happened to those women who were killed and/or raped was bad but there was little we could do; these things happen in times when there is no law followed and it happened when nobody cared about the law ... besides how can you prove things after it happened? Our hands were full already and I don't think it would have been easy to gather evidence; people would not come forward'. MJS6.

<sup>267</sup> For a full discussion on the role of international mediators such as the UN, OSCE and countries like Iran, Russia, USA and ways to unite their efforts to achieve the peace accord in the case of Tajikistan see Tetsuro I. 2005. "Cooperation, Coordination and Complementarity In International Peacemaking: The Tajikistan Experience", *International Peacekeeping*, Vol. 12, No2, pp. 189-204.

<sup>268</sup> For more information on international organizations operating in Tajikistan see [www.untj.org](http://www.untj.org).

<sup>269</sup> See Office of the United Nations High Commissioner For Human Rights, Status of Ratifications of the Principal International Human Rights Treaties, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>, last checked 6.12.2011.

<sup>270</sup> On the amount of funding provided by the international organizations see UNDP Tajikistan and Department of International Development, 2010. *Foreign Aid Report-2009*, Dushanbe.

life and in decision-making positions, the reduced number of female students in educational institutions, particularly in secondary and higher education (despite compulsory education), especially girls from single mother-headed households.<sup>271</sup> The decline in the position of women was attributed to the revival of old traditions and practices and the socio-economic difficulties the country faced at independence and during the civil war.<sup>272</sup> The number of cases of violence against women and suicide among girls and young women was reported to have increased.<sup>273</sup> In post-Soviet Tajikistan, certain social and economic benefits provided by the state were reduced and, as in other former Soviet republics, a process of transferring the 'costs of social reproduction to the household level' was started.<sup>274</sup> Tajikistan's economy in the post-war period was in tatters. Unemployment increased significantly in the face of fewer jobs.<sup>275</sup> Young women were more likely than men to find jobs (low paid) in customer services and to be hired by the small businesses that started to emerge in the post-war period.<sup>276</sup> This was not surprising because, according to the division of gender roles and norms, jobs such as waitressing, cleaning, cooking and sewing were classified as 'feminine' jobs. In addition, women entered the 'shuttle trade'; importing low-cost goods for resale.<sup>277</sup> However the majority of these women were not involved in actually importing these goods but sat in bazaars and sold the goods for others.<sup>278</sup> This is the small-scale, less organized retail side of the shuttle trade and these women have to cope with the social

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<sup>271</sup> Shemyakina, O. *Armed Conflict, Education and the Marriage Market: Evidence from Tajikistan*, (Thesis), available at <http://books.google.co.uk/books?id=sksHTSbSwGMC&printsec=frontcover#v=onepage&q&f=false>.

<sup>272</sup> See Harris, 2004; Corcoran-Nantes, 2005, pp. 17-18; 142-144; Werner 2009.

<sup>273</sup> Amnesty International. 2009. "Violence is Not Just a Family Affair: Women Face Abuse in Tajikistan", Stop Violence Against Women, London: Amnesty International; Falkingham, 2000.

<sup>274</sup> Zhurzhenk, T. 2004 "Strong Women, Weak State: Family Politics and Nation Building in Post-Soviet Ukraine", *Post-Soviet Women Encountering Transition: Nation Building, Economic Survival and Civic Activism*, K. Kuehnast and C. Nechemias, (Eds.), Washington: Woodrow Wilson Centre Press, pp. 23-43, p. 25.

<sup>275</sup> Falkingham, J. 2000 *Country Briefing Paper: Women and Gender Relations Tajikistan*, Asian Development Bank, p. 14; Chapman, Gregory. 2011. "Poverty in Central Asia: Kazakhstan versus Tajikistan", *Global Majority E-Journal*, Vol. 2, No. 1 (June), pp. 19-30, p. 24.

<sup>276</sup> USAID, 2006, p. 8.

<sup>277</sup> Olimova S. and I. Bosc. 2003. "Labour Migration from Tajikistan", International Organization for Migration (IOM), Dushanbe, Tajikistan, p. 27.

<sup>278</sup> I draw this conclusion based on my observation and interviews with participants in the field.



disapproval that comes from working in a sector that is largely regarded as a male domain.<sup>279</sup>

The socio-economic instability in Tajikistan led many to seek income in other countries. The increase in labour migration in recent years has left many women as the sole breadwinners for their families and, in most cases, these households are living below the poverty line.<sup>280</sup> International and national organizations have raised concerns about labour migrants' status in Russia (the main destination of migrants),<sup>281</sup> the abuse of labour migrants, as well as the impact on the gender ratio and family and marital relations in Tajikistan.<sup>282</sup> Many girls and young women believe it will be hard to find a husband because of labour migration.<sup>283</sup> In addition, those who are married face the possibility of losing their husbands who became labour migrants and then marry Russian women.<sup>284</sup>

### 3.3. Women in the Family

Family is at the heart of feminists' discussions. Much of the social construction of gender takes place in the family.<sup>285</sup> In most cases, VAW occurs within the family and it is precisely for this reason that VAW has been ignored historically and traditionally.<sup>286</sup> The importance of the family for the victim and the ways in which the family is perceived by the wider community contribute to how VAW is viewed. In Tajikistan, the family is a significant part of people's lives and is the most important collective or in-group.<sup>287</sup> Triandis defines in-groups as 'groups of individuals about whose welfare a person is

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<sup>279</sup> International Global Network. 2008. *Gender Aspects of Central Asia Trade Policy in the Context of WTO Accession: Interregional Report*, November, International Global Network, Central Asian Division.

<sup>280</sup> Olimova and Bosc, 2003, p. 110; At least one million Tajiks became low-level labour migrants in Russia, the vast majority of them men, Hegland, M. 2010. "Tajik Male Labour Migration and Women Left Behind: Can They Resist Gender and Generational Hierarchies?", *Anthropology of the Middle East*, Vol. 5, No2, pp. 16-35.

<sup>281</sup> For racial discrimination faced by Central Asian migrants see Open Society Institute, 2006. *Ethnic Profiling in the Moscow Metro*, New York: Open Society Institute.

<sup>282</sup> *Ibid.*

<sup>283</sup> Hegland, 2010.

<sup>284</sup> Olimova, et. al., 2003; Hegland, 2010.

<sup>285</sup> Okin, M. 2003. *Justice, Gender and the Family*, Basic Books, p. 16.

<sup>286</sup> Dobash, R. and R. Dobash, 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books.

<sup>287</sup> Harris, 2004, p. 68.

concerned, with whom that person is willing to cooperate without demanding equitable returns, and separation from whom leads to anxiety'.<sup>288</sup> In these in-groups each individual life is tied to other members of the in-group.<sup>289</sup> Although in each culture, whether individualist or collectivist, most people will start by being attached to their families, in more individualist cultures they become detached from the family to different degrees.<sup>290</sup> In collectivist cultures this detachment is minimal.<sup>291</sup>

In Tajikistan each person is associated with their *zot* (ancestry); direct and extended families. In a collectivist society, family history is very important<sup>292</sup> and significance is attached to the long chain of the ancestors and descendants, whereas for the individualist those who come before and after are less significant because the individual considers him-/herself to be at the centre.<sup>293</sup> People in Tajikistan feel that it is essential to keep their relations with their family members very close.<sup>294</sup> Because of this close relationship, members of the in-groups are expected to put the overall good of the group before the good of the constituent members.<sup>295</sup> Both boys and girls are expected to put their family interests before their own.

Harris believes that men and women in Tajikistan experience different relationships with their birth family as 'men are tied to their birth families for life and identify strongly with them ... women ... will move away at marriage and thus gain access to a second in-group'.<sup>296</sup> The in-grouping expands from the direct, i.e. the birth family, to the extended family, clan or region and local community. Depending on each context, the members of the in-group will put the interest of the group before their own. Giddens notes that in a collectivist society, people do not display their 'true' selves but rather show a multiplicity

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<sup>288</sup> Triandis, H. C. 1995. *Individualism and Collectivism*, Westview Press: Boulder, Oxford, p. 9.

<sup>289</sup> Triandis, 1995, p. 9.

<sup>290</sup> Harris, 2004, p. 69.

<sup>291</sup> *Ibid*, p. xiii.

<sup>292</sup> Triandis, 1995.

<sup>293</sup> *Ibid*, p. 10.

<sup>294</sup> Harris, C. 2006. *Muslim Youth: Tensions and Transitions in Tajikistan*, Oxford: Westview Press, p. 63.

<sup>295</sup> Triandis, 1995, pp. xiii-xiv.

<sup>296</sup> Harris, 2004, p. 64.

of images depending on a given context.<sup>297</sup> Because of this, multiple mechanisms are used to keep people under control, which are enforced through families, particularly male family heads.<sup>298</sup> The status of the family head is tightly bound up with family status and, conceptually, he stands for and represents the family to the community at large. In the eyes of the community, family heads are responsible for the behaviour of other members of their in-group.<sup>299</sup> In Harris's view, this status has a twofold character: it is a privilege because it puts the head of family in a superior power position and, at the same time, it is a responsibility because the head of the family depends on the behaviour of others.<sup>300</sup> Harris argues that a culture like this enables people in Tajikistan to maintain social norms and display themselves as stereotypes rather than as complex human beings with unique characteristics.<sup>301</sup>

Harris notes that it is necessary to consider 'how the social construction of young people as subordinate to their parents and as lacking the ability to make rational decisions regarding their own lives has led to the oppression of this group by adults of both sexes'.<sup>302</sup> Young men have to live up to the ideal of a mature male while, at the same time, demonstrate submission to both parents.<sup>303</sup> This became apparent during the fieldwork while staying with the families. It was clear that despite the expectations on both boys and girls in the family, there is still less control over the day to day activities of boys than of girls. Boys enjoy more freedom than their sisters as long as they follow the commands of their parents, especially in terms of major decision-making. This is contrary to the experience of their female family members (in particular sisters) who are monitored closely for daily conformity.<sup>304</sup> In Tajikistan, while families feel the need to monitor their daughters' actions and behaviour, there is a degree of flexibility in this monitoring which

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<sup>297</sup> Giddens, A. 1991. *Modernity and Self-identity: Self and Society in the Late Modern Age*, Stanford, California: Stanford University Press.

<sup>298</sup> Harris, 2006, pp. 68-69.

<sup>299</sup> Harris, 2004, pp. 67-69, 73, 79-80.

<sup>300</sup> Harris, 2006, p. 69.

<sup>301</sup> *Ibid.*

<sup>302</sup> *Ibid.*, p. 7.

<sup>303</sup> *Ibid.*, p. 73.

<sup>304</sup> Harris, 2006, pp. 70-71; Also see Harris, 2004.

is as a consequence of the Soviet liberation policies. Parents allow their daughters a certain degree of mobility to attend school or work, providing that their absence from the family is commensurate with the official hours/time of school or work.<sup>305</sup>

Okin, in her analysis of justice in an American society, addresses two fundamental issues – the gender system and the family. In her view, these are rarely referred to in discussions on justice but play a significant part because of the unequal division of domestic roles which maintains male dominance and female subordination.<sup>306</sup> She observes that the opportunities for girls and women are affected by the structures and practices of family life.<sup>307</sup> This study's findings suggest that it is the family relationships which determine who are identified as potential perpetrators and victims. Furthermore, the family structure may also contribute to the occurrence and severity of violence on girls and women. Joint families are common in Tajikistan, where several sons live together with their families.<sup>308</sup> Large families were encouraged by the Soviets who introduced subsidies and other benefits for large families.<sup>309</sup> During the Soviet period, an attempt was made to relocate young families as it was believed that this would help to liberate young couples from parental control.<sup>310</sup> However, many families, especially in rural areas, continued living together because of the housing shortage which the Soviets could not mitigate.<sup>311</sup> The situation in Tajikistan remains almost the same. Only a very limited number of people, including young people, can afford to have their own homes. Since they all live under the same roof, in a communal area, the children are watched over by their parents and grandparents and also by uncles, aunts, elder brothers, sisters and cousins. As was discussed above, an individual's behaviour influences the status of the

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<sup>305</sup> Harris, pp. 70-71.

<sup>306</sup> Okin, M. 2003. *Justice, Gender, and the Family*, Basic Books.

<sup>307</sup> Okin, 2003, p. 16.

<sup>308</sup> Harris, 2004.

<sup>309</sup> The Soviets encouraged having more children; this was less welcomed in Russia and other republics but in Central Asia the tendency for large families already existed and was fuelled with the Soviets' encouragement. Blekher, F. 1979. *The Soviet Woman in the Family and in Society*, p. 162-170.

<sup>310</sup> Bacon, 1980.

<sup>311</sup> Rakowska-Harmstone. T. 1970. *Russia and Nationalism in Central Asia: The Case of Tadzhikistan*, Baltimore: Johns Hopkins University Press, p. 62.

whole in-group.<sup>312</sup> Therefore, each individual in the family feels it is his/her duty to monitor members of the in-group, especially female members' conduct. However, shift to a nuclear family structure is not necessarily a positive development in the case of VAW. Hoffman et al. studied wife abuse in Thailand and concluded that the change in the family structure from three-generation households to nuclear families may result in family isolation and lack of kin and social support. It may be that this support is vital in reducing wife abuse.<sup>313</sup> Similarly, in the context of Tajikistan, this study's findings reveal that the beginning of the shift to the nuclear family may increase the risk of violence towards girls and women. Although girls and women experience pressure and control from many family members in an extended family, sharing a communal place also reduces their risk of being subjected to physical violence (discussed in chapter 6)

### 3.3.1. Authority

As has been discussed above, the family plays an important part in the lives of people in Tajikistan and individual needs are disregarded in the interest of the whole group. The honour and shame of the family depends on the behaviour of members, particularly female members, as the societal norms are more tolerant towards men's ill-behaviour than that of women. Furthermore, these norms require a constant display of men's authority and women's subordination, particularly in public. A man loses respect if he is incapable of demanding and receiving obedience, disciplining his family or maintaining control over his women; in this case he would be called *nomard* (unman/womanish) or *zan* (woman). It is for this reason that couples try to maintain, at least in public, this behaviour; in private, the situation may well be different with some women having their say in approving or disapproving their husband's decisions and being part of the decision-making process. Nargis's case (educated and married for 14 years) is an example of how couples negotiate and abide by the norms to avoid mockery from the community:

'We [her husband and she] were introduced to each other through a common friend. I

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<sup>312</sup> See Harris, 2004.

<sup>313</sup> Hoffman, K., D. Demo, J. Edwards. 1994. "Physical Wife Abuse in a Non-Western Society: An Integrated Theoretical Approach", *Journal of Marriage and Family*, Vol. 56, No1, pp. 131-146, p. 143.

behaved as a 'good' girl would behave. I was working before marriage and was earning good money. My husband had a good education and was working and at that time it was hard to get a place for a young professional, but his workplace gave him a place to share with another woman. I married him and moved into that place. We had two rooms and had to share a kitchen and bathroom with another woman. Compared to other young people we were doing just fine. I got pregnant and after giving birth I stopped working because my husband could provide. I could wear what I wanted (within reason). I would never wear something that is too vulgar or revealing. After the war [reference to Tajik Civil War 1992-97] I had a daughter. My husband is wonderful with our children. He was afraid to have a daughter at first; he thought it is a big responsibility to make sure she does not bring shame on the family, but he now adores her. After the war there were some changes; many turned to religion and there were so many *majlis* [gatherings] where religion was discussed and young women and girls' behaviour, their lifestyle, clothes, etc. He also started commenting on what I was wearing; I can still wear some trousers but only with long shirts ... when I was younger I never said anything in front of my husband's friends or his family even if I disagreed. When we were alone, it was my time ... I told him what I thought. And that's why he respected me too, because I didn't bring shame on him in front of others. Otherwise no one will respect him. If I didn't care for him, I could do that. I think those women who do that don't care about their husbands. Now we are older I don't have the same nerves, so sometime I can say things even in front of others, but I still try not to be too hard.<sup>314</sup>

She talks of 'my time', being the time of day when her husband treats her with the respect that she does not receive in public.

As women mature, they gain more authority. Harris observes that 'although at first glance it seems as if under this system all the power lies in the hands of men, in reality women are much more powerful than the discourse suggests'.<sup>315</sup> In the field while staying with families it seemed that with this authority came the responsibility of ensuring their family members' compliance with the patriarchal norms. Older women in the household felt strongly about other women's compliance with their roles in the household. This applies particularly to the girls and young women as their behaviour and adherence to the norms is essential for the good name of the family.

The findings of this study also suggest that it is also female members who enhance and ensure the persistence of male power and control. Older women, in their role as mothers or mothers-in-law are considered to have earned the right to exercise their authority over their children and daughters-in-law. Mothers expect respect and obedience from their

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<sup>314</sup> Interviewee F25.

<sup>315</sup> Harris, 2006, pp. 71-72.

family members, including their daughters-in-law. While staying with Modavlat<sup>316</sup> and her family, it was observed that she often nagged her children and daughters-in-law if they failed to perform some housework ascribed to them. However, most of the time, she appeared to be caring and loving towards her children, their wives and her grandchildren. This is contrary to the image of an 'abusive' mother or mother-in-law. Although her sons, daughters and daughters-in-law would occasionally respond in their defence, they did not have the same authority as her husband to verbally insult her (or use physical violence) and they did not do so.

Because wives join this in-group, they are treated differently and this is the main focus of the State's and NGOs' report on wife abuse in Tajikistan. The tension between mothers-in-law and daughters-in-law is widely recognized by the wider public. Modavlat explained her position in relation to that of her daughters-in-law in the following way:

'I've worked hard for this family. All my life I have served them, keeping the family together, looking after my husband and children. I deserve to be respected; I am their mother. I am allowed to say things, to direct them in their lives. My daughters-in-law have just started their lives. They are still young and they need to first do the same amount for their families before they behave in the same way as me or say the same things'.<sup>317</sup>

She further explains that:

'In previous times it was different. My mother-in-law used to hit me with a *sejib*<sup>318</sup> and if I told my husband, he would give me a slap for telling on his mother. We [mothers-in-law] are not doing these things to our daughters-in-law nowadays but they still complain. We [her generation] had no choice ... I wanted to study but my father told me 'don't even dream about it; you are going to get married' and I was not even 18 when they [parents] married me. Today girls are more educated but they are still not ready for marriage. A '*qobil*' [skilled/hard working] woman can work, study and have a family. It's still necessary to control women. If it was left up to women the world would come to an end. If a woman does not know how to behave it is her husband's duty to manage her [behaviour]. How he does it is up to him. I don't want to be part of the disputes between my sons and their wives, and I don't want to see it happening in front of me. Husbands and wives fight and make up. If you interfere you will be the one to blame for their problems. But I think a husband deserves to be respected and his wife has to show respect to him. He is a man after all. Otherwise, what kind of a man would he be? Everyone would laugh at him'.<sup>319</sup>

Modavlat talks about the changes in the mother-in-law and daughter-in-law relationship.

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<sup>316</sup> Interviewee F30.

<sup>317</sup> Interviewee F30.

<sup>318</sup> A big traditional wooden spoon.

<sup>319</sup> Interviewee F30.

She believes that in previous years, the mother-in-law's authority was accepted without any hesitation and any forms of resistance. Now, young daughters-in-law dare to confront or respond to their mothers-in-law's comments. She gives the example of being hit and her acceptance of it. She also added that she does not wish to behave like that and would not wish to interfere between her sons and their wives, cause tension in the family or provoke arguments between her sons and their wives. However she still believes in the authority and superiority of men. It is not unusual for older women to control their female members to uphold the 'good' name of the family.

As women grow older, they tend to claim that the control they experienced from their families was actually 'for their own good', 'to guide them on the right road'. This is apparent in Nisso's story of childhood and her perception of her family's actions:

'I am really grateful to my brother and parents for keeping a close eye on me when I was younger. When a girl is a teenager, there are so many temptations. It is important to keep an eye on her so that she does not go astray and go out with boys. It will only bring shame on her and her family. Of course I didn't like it when I was not allowed to do things I wanted, especially when you are at university...when there are parties and you want to go. I hated that at that time. But I didn't know anything then; you only appreciate it when you get older. Now, I will do the same for my daughter. I don't want her to ruin her life, get pregnant, for instance, and have a mark on her and us for the rest of our lives. People will mock us, laugh at us if something like that happens ... I know she will thank me later ... After we marry her in a good 'condition' she will be respected for that by her husband and in-laws and we can relax then ... Our society is not ready for such kind of freedom for girls, we need to protect them and their honour'.<sup>320</sup>

Harris notes that the Soviet system 'left little social differentiation and no real class structure in Tajikistan'.<sup>321</sup> There is an upper social layer, an elite group, which is highly educated and has adopted 'Russianized' gender identities.<sup>322</sup> But these Tajik elites are small in number and after the civil war their numbers were even further reduced, as many fled the country.<sup>323</sup> The majority of the population, even those who are highly educated, who hold doctorates, for instance, live according to the cultural norms.<sup>324</sup> The findings of this study reveal that even highly educated women who studied in Russian

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<sup>320</sup> Interviewee F16.

<sup>321</sup> Harris, 2004, p. 28.

<sup>322</sup> *Ibid*, p. 27-29.

<sup>323</sup> *Ibid*.

<sup>324</sup> Harris, 2006, p. 20.



schools and adopted 'Russianized' gender identities continue to live according to the existing gender norms. One of the informants in the field was Nargis.<sup>325</sup> She and her husband are part of the 'elite group'. They both went to Russian schools and are highly educated but they, too, live according to the cultural norms, albeit with some compromise. Nargis explained that the (relative) freedom she enjoys is due to her (Pamiri) ethnic origin, which she believes is 'less restrictive and more flexible for women' and not because they went to Russian schools. The Soviets failed to change the gender identities and the whole society maintained the same gender values. Therefore, the suggestion that it is only men and women with lower education who accept the existing gender norms excludes the experiences of women who do not fit this category. The data from the field also suggest that it is not only uneducated women, (who had not been affected by the 'Russainized' gender identities) but also highly educated women who are in senior positions who are influenced by the existing gender norms (this is discussed in more detail in chapter 4). It was because gender stereotypes were enhanced rather than challenged that Soviets' equality policies resulted in deficient outcomes.

### 3.3.2. Female Sexuality in Tajikistan

One aspect of the equality of men and women that was not discussed by the Soviets' authority and is completely disregarded by the current actors involved in improving women's status in Tajikistan is that of female sexuality. The subject of female sexuality was not covered in the Soviet literature, nor has it been addressed in the current scholarship in Tajikistan. There was limited coverage of sex, love, family and marriage in Soviet social literature because of the Soviets' switch to Puritanism.<sup>326</sup> The subject of sex incurred disapproval and was, generally, excluded from any discussion.<sup>327</sup> During the live Soviet Union-US television debates of 1986, a middle-aged Russian woman proclaimed

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<sup>325</sup> Interviewee F25.

<sup>326</sup> Blekher. 1979, pp. 28-38.

<sup>327</sup> Blekher. F. 1979. *The Soviet Woman in the Family and in Society: A Sociological Study*, Wiley p. 28, 30-31.

that ‘we have no sex in the Soviet Union’<sup>328</sup>; this became a popular catchphrase which typifies the general attitude towards sex influenced by Puritanism of the Soviet Union.<sup>329</sup> The development of this negative attitude towards sex led to a lack of sex education and a dearth of literature on the subject for many years. Even gynaecologists were not fully informed of the latest contraceptive devices.<sup>330</sup> Walby notes that ‘sexuality is also an important patriarchal structure ... especially that of heterosexuality: both its compulsory nature and its internal structure such as double standards’.<sup>331</sup> Female sexuality is the subject of rigorous studies among feminists. Much feminist work focuses on the representations of the female body, its embodiment and the meanings bodies are given, such as how femininity and masculinity are inscribed on the body.<sup>332</sup> In many countries, both Western and non-Western,<sup>333</sup> female sexuality is an open subject of discussion among feminists. However, this subject is not addressed in former Soviet Central Asia by women’s groups working in the field of women’s rights, the state/state officials, the media

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<sup>328</sup> Kon, I. 1995. *The Sexual Revolution in Russia, from the Age of the Czars to Today*, trans. J. Riordan, New York and London: The Free Press, p. 1;

<sup>329</sup> See Blekher, 1979; Harris, 2004, p. 23.

<sup>330</sup> Blekher, 1979, p. 34. Also see Popov, A. 1993. “Contraceptive Knowledge, Attitudes, and Practice in Russia during the 1980s”, *Studies in Family Planning*, Vol. 24, No4 (Jul-Aug.), pp. 227-235. Popov notes that in the 1980s, family planning was very poorly developed due to the lack of sufficient information, unavailability of contraceptives and the negative attitude of doctors. The majority of couples relied on traditional, unreliable methods. Abortion was used by women as a preventive method; as a result the Soviet Union in the 1980s had the ‘highest known abortion rate in the world’. Popov, 1993, p. 233.

<sup>331</sup> Walby, 1990, p. 260

<sup>332</sup> Holland, J., C. Ramazanoglu, S. Sharpe and R. Thomson. 1994. “Power and Desire: The Embodiment of Female Sexuality”, *Feminist Review*, No.46, Sexualities: Challenge and Change (Spring), pp. 21-38; How female sexuality is controlled in a specific context see El-Moulhy, M. and A. Ragab. 2010. “Female Genital Mutilation/Cutting and Issues of Sexuality in Egypt”, *Reproductive Health Matters*, Vol. 18, No36, pp. 181-190.

<sup>333</sup> For more on female sexuality in China for example, see Harriet, E. 1997. *Women and Sexuality in China: Dominant discourses of female sexuality and gender since 1949*, London: Polity; S. Wieringa, E. Blackwood and A. Bhaiya (Eds.). 2007. *Women’s Sexualities and Masculinities in a Globalizing Asia*, New York: Palgrave Macmillan (a collection of essays on same-sex sexuality in South and East South Asia); R. Khanna and J. Price. 1994. “Female Sexuality, Regulation and Resistance”, *Focus on Gender*, Vol. 2, No.2, pp. 29-34; On female sexuality, reproduction and children as representation of the social status of a family see P. Kreager and E. Schroder-Butterfill (Eds.). 2004. *Ageing without Children: European and Asian Perspectives*, New York, Oxford: Berghahn Books.

and academia.<sup>334</sup> Female sexuality is not a theme of public or academic debate in Tajikistan. As the stories gathered in the field demonstrate, it is cited as the reason for control of women and for the imposition of the cultural and religious norms. In Tajik society, the control of female sexuality is one of the main concerns for families. Harris describes the situation in the following way:

‘Masculinity is dependent on feminine agreement to display the visible maintenance of submissive virginity/chastity that is the most important feminine characteristic in this cultural system and the complement of male control. A female who refuses to conform can destroy her menfolk’s masculinity, which is why girls must be closely guarded until they can be handed over to their husbands as virgins’.<sup>335</sup>

The findings of this study demonstrate that it is common for mothers to wish to protect their daughters from wrongdoing or unhappiness and ensure their daughters’ adherence to gendered norms, as the stories below demonstrate. Zahro is a nineteen-year-old student, studying international relations. Her words echo the experiences of many young women encountered during the fieldwork.

‘I was not allowed to attend a birthday party. I was upset but my father told me, “Let us deliver you to your husband’s hands with honour and dignity”... when my father said that, I felt a horror inside ... made me feel like I was in a cage and there was no escape for me from this destiny’.<sup>336</sup>

Shahnoz’s story is both revealing and tragic. I came to know her for a very short period of time before she disappeared and was never found again. One of the rumours was that she had drowned herself. During our short encounter Shahnoz appeared to be a cheerful twenty-year-old girl, who studied and worked part-time. I was told what happened two days after her disappearance.

‘Shahnoz, along with her friends and one of her cousins, went to fetch water. This is a common practice and girls do it many times during a day. After fetching water several times, Shahnoz and her friends decided to take a break and stayed near the spring, chatting. While they were there, a car stopped [the spring was near the road] and two boys got out and started

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<sup>334</sup> Few works discuss same-sex sexuality (female) in the context of the Soviet Union, mainly in Russia. See T. Mamonova’s work *Russian Women’s Studies: Essays on Sexism in Soviet Culture*, 1989, Oxford, New York, Toronto: Pergamon Press. In this work, she discusses the development of feminism and feminist ideas (though without necessarily labelling it as ‘feminism’ or ‘feminist’) before and during the Soviet Union. She explores the presence of ‘feminist’ ideas in the Soviet movies and literature. At the same time she talks about the ways sexuality (of heterosexuals or homosexuals) was present but ignored (or rather condemned) in the Soviet Union. These works are produced outside the Soviet Union and were the subject of study from outside rather than inside the Soviet Union.

<sup>335</sup> Harris. 2006, pp. 71-72.

<sup>336</sup> Interviewee F19.

chatting to the girls. They knew each other, so the boys offered to take the girls for a short ride. The girls refused but when Shahnoz came home later that day, her mother and elder sister were waiting for her and her cousin, who lived nearby. The two of them were questioned by Shahnoz's mother and sister and her cousin mentioned that they were talking to the boys who had offered to take Shahnoz for a ride. Her mother and sister were angry and, wanting to teach Shahnoz a lesson for coming home late and behaving 'disgracefully', started shouting and hitting her. Shahnoz ran away and was never seen again, nor has there ever been any news of her'.<sup>337</sup>

All the relatives living nearby started looking for her the next day and the search continued for several months, but even after I left the field there still had been no news of her. Her mother (Bunavsha) has never been able to come to terms with her the loss and cannot forgive herself for what happened.<sup>338</sup> Families in Tajikistan and the society in general expect girls and young women to accept (most importantly in public) the authority of male relatives and husbands and to demonstrate their submissiveness. In the case of both Zahro and Shahnoz, it was their mobility and sexuality that were the main reason for the actions of their families. As the stories above demonstrate, the focus is on young women and girls; older women experience less control of their mobility and sexuality. Young women are always treated with suspicion since the man's honour depends on female sexuality.<sup>339</sup> Therefore, control over female sexuality is vital and any remote possibility that might offer an opportunity for a woman to have sexual intercourse has to be eliminated.

Attitudes to premarital sexual intercourse, in particular, remained mostly unchanged in the Soviet Tajikistan. Such attitudes persist in Tajikistan today. Pre-marital and extra-marital sex for girls and young women was condemned more forcefully than for boys and young men. Women are subjected to a 'double standard of morality' which encourages or condones sexual promiscuity in men and boys as a display of their masculinity and male aggression and condemns such practices in women and girls as a sign of unfeminine,

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<sup>337</sup> The story was known to the whole village, specifically I talked to Nigora (cousin and neighbour of Shahnoz's mother), Interviewee F18.

<sup>338</sup> I had been in contact with Shanoz prior to the incident and would have found it very difficult to interview Shahnoz's mother, so I did not.

<sup>339</sup> Luong, 2004.

shameful or pathological behaviour.<sup>340</sup> This double standard rests on the assumption that men and women perceive sexual satisfaction in different ways. It is socially acceptable for men to have well-developed sexual desires and not socially acceptable for women. Therefore, it is deemed to be acceptable and reasonable for men to seek sexual satisfaction both within and outside their marriage. Harris notes that ‘because masculine identities are dependent on female purity, the *honour* of the Tajik people came to rest on social vigilance to ensure its preservation.’<sup>341</sup> This social vigilance is also present in the police, prosecution and judiciary, as the stories of a group of young people presented in chapter 5 confirm.

It has already been mentioned that the honour of the family and particularly the honour of the men of the family rests on women’s chastity. Lateef notes that in some societies ‘the respectability accorded a household is proportional to the imposed virtue and modesty of its women’.<sup>342</sup> Families put younger women, their own daughters, daughters-in-law and other female members under pressure to ensure they behave in accordance with expected norms:

‘Every time my daughter was late, I told her think of what would people think of us, say about us. You will make your brothers look bad in front of others’.<sup>343</sup>

‘I believe my daughter knows that if she does something it will embarrass us *mardum darun* (in front of the people). But my daughter is a good girl; she always asks us if she needs to go somewhere; not like others who spend hours on the phones and then disappear till late night. I am lucky’.<sup>344</sup>

For young married women, controlling their sexuality means reducing the opportunities for them to commit adultery. Both men and women participants agreed that if a young woman’s sexuality is not controlled, if she has no *sohib* (someone to look after her), she would easily accept men’s sexual overtures. It is a widespread belief among men and women that young women are weak and may not be able to resist sexual temptations. The suggestion that they may be taken advantage of implies an acceptance of men using

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<sup>340</sup>Smart, C. 1978. “Women and Social Control: Introduction”, in Carol Smart and Barry Smart (Eds.), *Women Sexuality and Social Control*, London: Routledge, pp. 1-8, pp. 4-5.

<sup>341</sup> Harris, 2004, p. 68.

<sup>342</sup> Lateef, S. 1999. “Wife Abuse among Indo-Fijians”, in Counts *et.al.*, pp. 216-233, p. 230.

<sup>343</sup> Interviewee F29.

<sup>344</sup> Interviewee F33.

force to fulfil their sexual desires.

‘If a girl happens to be somewhere alone with her male friend he can easily do something to her’.<sup>345</sup>

‘A single girl should never stay alone with either a male stranger or a friend (*balad*) because you never know what might happen. A man is stronger and can easily force her to *bedarak kore* (do bad things). What can one do if she gets pregnant and he doesn’t want to marry her?’<sup>346</sup>

‘A male respondent noted that: you cannot allow your sisters or daughter to go to parties and so on. Our society is not ready for such things. We have to protect our sisters from these men. These men want just one thing and they would not care what happens to the girl’.<sup>347</sup>

Werner notes that ‘cultural values related to honour and shame have been mobilized in a way that justifies the popular beliefs about women’s acceptance of her fate and helps men to assert further control over female mobility and female sexuality in the post-Soviet period’.<sup>348</sup> A wife is believed to think of more important things, like her duties, than think of her sexual desires. For example, one participant who works as a legal adviser at the NGO *Madina*’s field office stated:

‘The wife is a wife. She is to look after your household, your children, respect your family. Sexual pleasure is different. A good woman will not think about that; she will be busy with important things in life. She is not accustomed to- and aware of how to bring pleasure to men. If a man wants to have pleasure he goes to another woman, not his wife. He has to respect his wife’.<sup>349</sup>

The female body is not only a physical (material and biological) body but is socially constructed with social meanings and symbols ascribed to it.<sup>350</sup> The women with whom men engage in relationships out of wedlock are not free to express their sexual desires. Even if they wished to express their desires, they would still feel the pressure to comply with gendered norms and values and have to suppress or limit any expression of sexual pleasure in their sexual relationships. They would feel they had to ‘play hard to get’ or

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<sup>345</sup> Interviewee F23.

<sup>346</sup> Interviewee F35.

<sup>347</sup> Interviewee M7.

<sup>348</sup> Werner studies abduction of women in Central Asia, a practice widespread in Kazakhstan and Kyrgyzstan, and argues that the view that an abducted girl should stay with her abductor reinforces men’s ability to control female mobility and sexuality. Werner, 2009, p. 315.

<sup>349</sup> Interviewee M5.

<sup>350</sup> Holland, *et. al.*, 1994, pp. 21-22.

continue in a sexually passive role.<sup>351</sup>

Many respondents, both men and women, agreed that the number of cases of young women marrying as a consequence of pregnancy has increased. One female participant noted that ‘if a man comes to his parents and pushes them to have a wedding with a girl as soon as possible it means she is pregnant’.<sup>352</sup> Young women are believed to use pregnancy as a means of control and manipulation. It is hard to imagine that a young woman would deliberately fall pregnant to make sure that the man will marry her; if he does not, she becomes unmarriageable and will bring shame on herself and her family. That is why young women consider it important to resist any attempts of their boyfriends to have intercourse before marriage, as Zubaida’s story demonstrates. Zubaida (thirty-two-years-old) expressed her horror when she thought she was in bed with her boyfriend.

‘One day I dreamt that I was sleeping with Nazar [her husband] in one bed. I was terrified. I woke up confused when I saw him sleeping there. I felt worse and all I could think of was ‘what have I done?’, but then I realized that it was ok; I was already married to him ... I cannot forget that dream’.<sup>353</sup>

Young women feel pressure to keep not only their virginity before their marriage but also their reputation. Reputation is even more important than maintaining virginity. In the Tajik context, sexual intercourse is linked to morality which is mainly linked to women’s chastity. Therefore ‘men ... spend so much time and energy on ensuring their sisters and daughters are never touched by a strange man, even in gossip’.<sup>354</sup> Women are the main conveyers of the morality of their families and society in general. For the majority of women in Tajikistan, not showing interest in sex has become an integral part of their lives that is linked to their social respectability and worthiness. Anora is fifty-four-years-old. Her story is a typical example:

‘During my 36 years of marriage I never showed him [her husband] any interest in sleeping with him. It was always him who insisted. I am a woman ... I always had more important things to do. Men are like dogs. Women are different. Women have to behave accordingly. It

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<sup>351</sup> Spronk, 2005, p. 276. Spronk explores how women try to combine their desires with society’s expectations.

<sup>352</sup> Interviewee F14.

<sup>353</sup> Interviewee F16.

<sup>354</sup> Harris, 2006, p. 89.

is a shameful thing. Only a particular kind of woman would want to sleep with men; those who respect themselves would not have such desires'.<sup>355</sup>

It does not necessarily mean that women do not have sexual desires, however, they learn to hide them and not show them. They fear if they reveal their interest they may raise their husbands' suspicions about their behaviour. One of the participants in her early 30s seemed very reluctant to talk about these issues. However, she finally noted that:

'At work I read women's online journals about how to improve your sex life in the bedroom. I fear that if I tell Malik [husband] what I learn in these journals he would think I cheated on him.'<sup>356</sup>

Some young women do not comply with their gender expectations and act outside of these rules, as demonstrated by the experience of Jamol below. However, it is clear that women's premarital sexual experiences potentially influence their marital and family experiences and opportunities.<sup>357</sup> Premarital sexual experience potentially reduces women's chances of marriage. Those women who engage in a premarital coital experience will have to keep it secret. Jamol's (who is thirty-years-old and has been married for four years) story is revealing:

'I used to have two boyfriends because I was not sure whether either of them was 'serious' with me ... but one of them found out that I was going out with another boy as well and he tricked me. He said he wanted to marry me and I decided to focus on him only and leave the other boy. He [the first boy] asked me to celebrate his birthday with him and on that day he got me drunk and then slept with me. I resisted. I said 'after marriage' but he insisted. He said it would not make any difference. But the next day, when he called me and laughed, I knew he was not going to marry me. I felt terrible. I told that to the other boy and he said 'if you want to be with me and don't want to fall pregnant you have to sleep with me', and I did. He promised he would marry me, and I was grateful for that. We were doing it whenever he wanted ... I had to show him that for me 'it' was not important so that he wouldn't think that I could just go around ... He didn't marry me but married someone else. Maybe if I had fallen pregnant with him, he would have, but I feel he wouldn't have believed that I was pregnant with his child ... I had to leave the country and went to Moscow. I met my husband there. I was lucky to find a husband after all that...I never told him what happened'.<sup>358</sup>

The experience of having to keep it a secret can also place women in a vulnerable position. Women become more dependent on the man and more vulnerable to violence if the truth is revealed.

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<sup>355</sup> Interviewee F33.

<sup>356</sup> Interviewee F25.

<sup>357</sup> Christopher and Sprecher, 2000, p. 1011.

<sup>358</sup> Interviewee F5.



### 3.3.3. Marriage

Despite 70 years of strong Soviet ideology and lifestyle, the institution of marriage was not subjected to rapid change and retained its cultural traditions and its ethnic features.<sup>359</sup> Marriage is important for both men and women in Tajikistan.<sup>360</sup> It is believed to be the only possible way of life for both men and women. Walby argues that, for many women, marriage and the domestic division of labour is not disadvantageous and that women marry because they believe they will benefit. For many, though not all, that is the case.<sup>361</sup> Marriage increases the economic and social status of many women in Tajikistan, hence the concern of international and national NGOs over the high number of male labour migrants fleeing the country.

According to family law, only monogamous marriages registered with the Registry Office are recognized.<sup>362</sup> However, according to the cultural norms, marriages are also recognized if they are conducted in accordance with the cultural (Islamic) practice called '*nikoh*'. It is a common practice for marriages to be performed according to the cultural practice and then registered with the Registry Office. Although this pattern may still be practiced by some people, in most cases marriages are now only performed according to the cultural practice. The important significance of this is that women in unregistered marriages are more vulnerable for several reasons: the wife can only ask for child maintenance when the husband leaves if she manages to establish her child's paternity; the wife may feel more socially and economically dependent on the husband because it is easier for the husband to leave the wife in unregistered marriages than registered (at least in theory).

Unmarried women, regardless of their educational and professional accomplishments, are often portrayed in a disparaging way and have no status in society. The popular Tajik

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<sup>359</sup> Darsky L. and S. Scherbov. 1995. "Marital Status Behaviour of Women in the Former Soviet Republics", *European Journal of Population*, Vol. 11, No1, pp. 31-62, p. 60.

<sup>360</sup> Harris, 2004, pp. 100-103.

<sup>361</sup> Walby, S. 1989. "Theorizing Patriarchy", *Sociology*, Vol. 23, No 2, pp. 213-234.

<sup>362</sup> Art. 1 (3) on Basic Principles provides that only marriages registered with ZAGS (Office of Civil Registry) are legally recognized. Religious marriages have no legal effect. The Family Code of Tajikistan, 2006.

proverb states '*kurboka ham obru dorad agar shu dorad*' (even a frog has a reputation/status if it has a husband').

It is perceived to be essential for a girl to marry as soon as possible to preserve her honour and that of her family. Below, Nigora explains her reason for marrying off her daughter below the legal age.<sup>363</sup> Nigora pointed out that:

'It is important to marry your daughter in good condition, so the earlier you manage to do that the better; then you will be free from responsibility. It is hard nowadays to keep young girls in the house, so when they are out, you don't know what's going to happen. Maybe someone will take advantage of them. That's why I agreed to the marriage of my daughter [at 16]. At least I didn't have to face any embarrassment because I knew that she was a virgin'.<sup>364</sup>

Early marriage is one of the reasons that marriages are not registered with the local Registry Office.<sup>365</sup> Until marriage, most girls stay with their parents because they are considered to be the responsibility of their parents. Upon marriage, girls are expected to relinquish activities such as education or work, if they interfere with her primary duties as a wife and a mother and with the in-group interests.<sup>366</sup> The socio-economic and demographic changes have made it difficult for young women and their parents to find suitable husbands; therefore the number of bigamous marriages, which are illegal, has increased.<sup>367</sup> In a number of reports bigamy/polygamy is considered to be one of the contributing factors to VAW.<sup>368</sup> Officially the State is reluctant to admit the high number of bigamous marriages (as reported by international and national NGOs) in Tajikistan.<sup>369</sup> This view was also shared by the participants of this study, predominantly among NGO employees. This study supports the idea presented in NGOs' reports that women in bigamous marriages are more vulnerable but does not share their view that legalizing bigamy will improve these women's position or provide them with better options.

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<sup>363</sup> Art. 13 (1) The minimum legal age for marriage is eighteen- years- old. It may be reduced in exceptional cases by court decision, Art. 13 (2), the Family Code of Tajikistan, 2006.

<sup>364</sup> F29.

<sup>365</sup> Polygamy report, 2002.

<sup>366</sup> Harris, 2004, p. 104.

<sup>367</sup> Polygamy report, 2002, pp. 15-20.

<sup>368</sup> Polygamy report, 2002; Amnesty International, 2009.

<sup>369</sup> I attended a seminar organized by a woman NGO (League of Women Lawyers) in the capital city on women's rights at which a male representative from the Presidential apparatus, who had also been invited, was reluctant to admit that there were bigamous or polygamous marriages. He noted that there were no statistical data to prove it. 13<sup>th</sup> of June, 2009.

### 3.3.3.1. Return of Bigamy/Polygamy

A number of socio-economic and demographic factors influence the approval or acceptance of bigamous marriages. Blekher, exploring women's position in the Soviet Union after the Second World War, notes that the shortage of men in the Soviet Union after the war reinforced men's superiority and compelled women to tolerate insults and misfortune, to 'serve their husbands unquestioningly, and to pander to their wellbeing and comfort'.<sup>370</sup> A similar view is now prevalent in Tajikistan. The belief that there is a shortage of men as a consequence of the civil war, and drug and alcoholism addiction among the younger generation, has persuaded some families to marry their daughters off as second wives.<sup>371</sup> These pressures, combined with cultural expectations, (which require both men and women to be married), together with other socio-economic factors, contribute to the acceptance and approval of polygamous marriages despite polygamy being banned under the criminal law.

Since the view that there are many more women than men is widespread and popular in Tajikistan,<sup>372</sup> some local NGOs (one of the prominent women NGOs is the League of Women Lawyers) proposed that bigamy and polygamy be legalised on the basis that it is so widely practiced and would provide many women with the possibility of marriage.<sup>373</sup> Representatives of two NGOs – the League of Women Lawyers and *Madina* – who were interviewed for this study argued that legalization would provide protection for second wives.<sup>374</sup> A similar view is shared by some female participants in this study who did not wish their husbands to have second wives but would prefer this to their husbands leaving them, as is shown below. During an interview, Gavar, an informant, explained her reasons why she became a second wife:

‘The number of ‘normal’ men is low and, on top of that, among these men some are drug addicts, so women have no choice. What can they do? They cannot stay single. Every woman needs a husband. I agreed to become his second wife because, after all, second wives are

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<sup>370</sup> Blekher, 1979, p. 19.

<sup>371</sup> Falkingham, 2000.

<sup>372</sup> According to the statistical data actual ratio is and women ratio is 49 men and 51 percent women. National Statistics, D154.

<sup>373</sup> Interview with a legal consultant of the NGO, FCS4.

<sup>374</sup> Interviewee FCS4; Interviewee FCS6. Similar view is shared in the Polygamy report 2002.

*'lyubimie'* (loved, favourite wives)',<sup>375</sup>

Another woman expressed her concerns about second wives:

'I don't want my husband to marry another woman. I am terrified of that. It is hard to find a husband nowadays. Young girls now wear vulgar clothes to attract men's attention because they need husbands. Our husbands cannot resist such temptations. They are men after all. There are more women than men and most men are now either in Russia or, among those who remain here, many are drug addicts. I don't know what will happen. I am lucky; I don't have a daughter to worry about finding a husband for my daughter',<sup>376</sup>

At the same time, many girls and women accept inappropriate behaviour or ill-treatment by their husbands for fear of divorce or separation. Marriage and the status of being married are more important for women than their safety and, therefore, women prefer to stay married to abusive husbands than to leave (discussed in detail in Chapter 4.5). Women are unwilling to apply for divorce because they do not want to have the title of being 'divorced', or 'separated' because of the stigma attached. The societal norms disapprove of divorced women.

### 3.4. Conclusion

The Soviets' arrival resulted in the major transformation of Tajik society in that now women had opportunities and legal status which they had not had before. These included the granting of rights by law, giving women access to education, paid work, equal rights in personal matters and assistance with the upbringing of children. Participation of women in work outside the home and socio and legal provisions were not an indication that the 'woman question' had been solved, as the Soviets claimed it had. Emancipation and the equality of women still showed dilemmas, contradictions and duality.

The introduction of Soviet equality policies was an opportunity to develop and achieve women's equality in society and at home. Instead, however, the state failed to challenge gender roles. Because of the Soviets' continuous emphasis on gendered norms and values, women could not achieve full equality. In fact, the legal provisions provided in the Soviet legal system could not be fully exercised as women and men continued complying with their gendered roles. Furthermore, the effectiveness and enforcement of the legal

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<sup>375</sup> Interviewee F31.

<sup>376</sup> Interviewee F33.

measures introduced by the Soviet legal system to deal with aspects of VAW were never assessed.

The gendered norms and strong family relations in Tajikistan dictate men and women's daily lives and actions. This chapter establishes the significance family has for people in Tajikistan and how the interests of family prevail individual's interests. Preserving the 'good' name of the family also contributes to the preservation and enhancement of gender identities and norms. Female sexuality is an essential part of gender relations. Although the salience of the shame-and-honour system in Tajikistan is an indication of its importance to families, community in controlling women's sexuality, this subject is not discussed either by state or NGOs, as chapter 6 demonstrates.

Subsequent chapters demonstrate how gender stereotypes and significance of social institutions like family and marriage restrict women's choices and influence the responses provided by state and non-state actors. The following chapter investigates how VAW is formulated and explained and aims to demonstrate the influence of gender norms and values in shaping perceptions of VAW.

## 4. Perceptions and Definitions of VAW

### 4.1. Introduction

Violence against women has been much discussed in feminist literature over recent decades.<sup>377</sup> In Tajikistan the concept was introduced by international organizations in the 1990s when they gained access to the country and started reporting on violence experienced by women during the internal conflict. Immediately after declaring independence Tajikistan erupted into civil war from 1992 to 1997, and at this time a significant decline in the position of women became apparent. During the war both sides ‘targeted’ women, and VAW increased rapidly.<sup>378</sup> Women were killed for their ‘lifestyles’ and ways of dressing.<sup>379</sup> After international NGOs raised the issue, a number of national NGOs were established with a specific focus on promoting women’s rights. As a result, the existence of VAW came to be officially recognised in Tajikistan.

This chapter explores how, against the background of these social, economic and political changes, the perceptions of VAW is developed in the context of Tajikistan, and how that perception is mediated by international institutions. Before discussing this issue in the context of Tajikistan, this chapter draws on the theoretical work to understand the nature and persistence of VAW in Tajikistan.

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<sup>377</sup>On the nature of VAW see Krauss, H. 2007. “Perspectives on Violence”, in F. Denmark, H. Krauss, E. Halpern, J. Sechzer (Eds.), *Violence and Exploitation against Women and Girls*, Boston, Massachusetts: New York Academy of Sciences, pp. 4-21; Lewis, R., E. Dobash, R. Dobash and K. Cavanagh. 2001. “Law’s Progressive Potential: The Value of Engagement with the Law for Domestic Violence”, *Social Legal Studies*, Vol. 10; on the developments regarding VAW at the international level see Subedi, S. 1997. P. “Protection of Women Against Domestic Violence: The Response of International Law”, *European Human Rights Law Review*, Vol. 6, pp. 587-606; Charlesworth, H. 1994. “The Declaration on the Elimination of All Forms of Violence against Women”, *American Society of International Law Newsletter*, (June-August); on how the international principles on women’s rights are translated into the local context, the interrelations between international and local contexts and the role of activists as intermediaries see S. Merry. 2005. *Human Rights and Gender Violence: Translating International Law into Local Justice*, Chicago: University of Chicago Press; H. Kristi, D. Demo, J. Edwards. 1994. “Physical Wife Abuse in a Non-Western Society: An Integrated Theoretical Approach”, *Journal of Marriage and Family*, Vol. 56, No1, pp. 131-146.

<sup>378</sup> Falkingham, J. 2000 *Country Briefing Paper: Women and Gender Relations Tajikistan*, Asian Development Bank.

<sup>379</sup>*Ibid.*, 2000.

## 4.2. VAW: Theoretical Context

### 4.2.1. VAW at International Level

After gaining their independence and despite the revival of their religious and cultural traditions, the newly independent states of Central Asia, including Tajikistan, established themselves, at least in theory, as democratic states.<sup>380</sup> As successors to the Soviet Union, they renewed their membership as independent states of the United Nations.<sup>381</sup> Subsequently, they signed up to the international human rights treaties, accepting the responsibilities outlined in the conventions. Tajikistan was among the first CIS countries to ratify almost all of the international human rights treaties during the early years of its independence including the Covenant on Economic, Social and Cultural Rights (CESCR), the Covenant on Civil and Political Rights (CCPR), the Optional Protocol to CCPR (CCPROP1), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Optional Protocol to CEDAW (CEDAWOP), the Convention against Torture (CAT), Convention on the Rights of the Child (CRC), Optional Protocol to CRC on the involvement of children in armed conflict (CRCOPAC), Optional Protocol to CRC on the sale of children, child prostitution and child pornography (CRCOPSC) and Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW).<sup>382</sup> Since there is little pressure on countries to submit periodic reports on time, Tajikistan was not very forthcoming with its reports. The earliest reports it provided appeared at the beginning of 2000. Tajikistan submitted its periodic reports on the CESRC (2004), CPRC (2006) and CEDAW (2007). The Committees, in their recommendations regarding all three reports, raised concerns over the persistence and

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<sup>380</sup> On revival of religion in former Soviet Central Asian states see Khalid, A. 2007. *Islam after Communism: Religion and Politics in Central Asia*, London: University of California Press.

<sup>381</sup> Member of United Nations as of 02.03.1992 see <http://www.un.org/en/members/index.shtml#t>.

<sup>382</sup> Office of the UN High Commissioner for Human Rights: Status of Ratifications of the Principal International Human Rights Treaties, 09. June, 2004.

prevalence of VAW in the country.<sup>383</sup>

No country, whether developed or developing, appears to be immune from VAW.<sup>384</sup> The international community has been actively developing positive laws protecting women against discrimination and violence.<sup>385</sup> CEDAW itself does not mention VAW, though the Committee in 1992 issued a General Recommendation No19 that states 'gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on basis of equality with men'.<sup>386</sup> The Committee further elaborated that: Article 1 in the Convention which defines discrimination against women also includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately.<sup>387</sup> It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. The United Nations Declaration on the Elimination of Violence Against Women defines violence as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'.<sup>388</sup> The failure of governments around the world to recognize the criminal nature of VAW was highlighted in the United Nations Conference in Beijing 1995, where the Declaration and Platform of Action was adopted by 189 nation states, including

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<sup>383</sup>Committee on Elimination of Discrimination against Women, Thirty-seventh Session, 2 February, 2007, CEDAW/C/TJK/CO/3; Committee on Economic, Social and Cultural Rights, Thirty-seventh session, 24 November, 2006, E/C.12/TJK/CO/1, para.27, 28; Human Rights Committee Concluding Observations on International Convention on Civil and Political Rights, Eighty-fourth Session, 18 July 2005, CCPR/CO/84/TJK, para. 23 (on use of corporal punishment in schools), 24 (trafficking of women and children).

<sup>384</sup>Subedi, S. P. 1997. "Protection of Women Against Domestic Violence: The Response of International Law", *European Human Rights Law Review*, 6, pp. 587-606.

<sup>385</sup> For more general information and limitations of the international law see Chinkin, C. 1997. "Feminist Interventions into International Law" in *Adelaide Law Review*, Vol. 13; Fitzgerald, K. 1997. "Problems of Prosecution and Adjudication of Rape and other Sexual Assaults Under International Law", in *EJIL* 638; D. Thomas and M. Beasley. 2008. "Domestic Violence as a Human Rights Issue", in Freeman, pp. 295-324.

<sup>386</sup> CEDAW Committee General Recommendation No 19, 1992 (11<sup>th</sup> session), para 1, available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> last checked 20.12.2011.

<sup>387</sup>Ibid, para. 6-7.

<sup>388</sup> United Nations General Assembly. 1993. Declaration on the Elimination of Violence Against Women, A/RES/48/104, para 2 (a-c).



Tajikistan.<sup>389</sup> The Declaration states that:

‘Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.’<sup>390</sup>

The Platform of Action called for governments (among other things) to

‘Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society.’<sup>391</sup>

‘Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators’.<sup>392</sup>

These strategic objectives formed the basis of new approaches to law and policy in relation to a range of forms of gender violence around the world.<sup>393</sup> An important step of this new approach was recognizing domestic violence or VAW as criminal violence, which countries could implement into practice either through introducing new legislation that addresses the complexity of this issue or aim to apply existing criminal law provisions to incidents of violence that occur in the family.<sup>394</sup> The application (or rather failure) of the existing criminal law provisions in Tajikistan is discussed in detail in Chapter 5.

The developments at international level are an important step forward particularly for countries like Tajikistan that ratified almost all of the international human rights principles and undertook the responsibility to translate these norms into its local context (discussed in Chapter 5.1). For instance, in response to the Beijing conference Tajikistan developed its own Action Plan and has developed subsequent programmes to meet its

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<sup>389</sup> United Nations Entity for Gender Equality and the Empowerment of Women, <http://www.un.org/womenwatch/daw/beijing/fwcwn.html>.

<sup>390</sup> United Nations Diagnosis, Violence Against Women, para 112, 1995, available at <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>, last checked 12.12.11.

<sup>391</sup> UN Platform of Action, 1995.

<sup>392</sup> UN Strategic Objective D.1, para c and d, 1995.

<sup>393</sup> Harne, L. and J. Radford. 2008. *Tackling Domestic Violence: Theories, Policies and Practice*, Berkshire: Open University Press, p. 21.

<sup>394</sup> *Ibid.*

obligations under CEDAW and other international human rights instruments. To what extent Tajikistan succeeded in its initiatives is explored in subsequent chapters (chapter 5 and 6) where it is shown that the law and policies fail in providing protection to women victims of violence.

In post-colonial, transitional societies it is not uncommon to regard international human rights standards as the product of the 'west' and question their applicability to their societies.<sup>395</sup> International treaties and human rights concepts can be seen to be based on 'western' values. Therefore, some countries may be reluctant to accept and incorporate certain norms into their legal system, and even if they are, it might be difficult to implement them in a society hostile to these norms and hence develop 'defence' mechanisms to avoid abiding these norms. This becomes more obvious when it comes to women's rights or the eradication of violence against women. Violence against women is among those issues where 'cultural defence'<sup>396</sup> can be used to justify the state's inaction to deal with the problem. Although 'the model of rights is today hegemonic, and imbued with an emancipatory aura'<sup>397</sup> and 'local concerns continue to shape how universal categories of rights are implemented, resisted and transformed'.<sup>398</sup> Traditionally, anthropologists regarded human rights as 'western imperialist discourse',<sup>399</sup> therefore setting up room for cultural relativism. Merry, looking at the example of Ka Ho'okolokolonui Kanaka Maoli Tribunal, observes that international laws on human rights should be universal, bridging international and cultural divides. Merry notes that 'there are two sides to the process' when it comes to reconstructing a new human rights

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<sup>395</sup> Merry, 2006; Donnelly, J. 2007. 'The Relative Universality of Human Rights', *Human rights Quarterly*, Vol. 29, No 2, pp. 281-306; T. Eriksen. 2004. "Between Universalism and Relativism: A Critique of The UNESCO Concept of Culture", *Culture and Rights: Anthropological Perspectives*, in Jane. K. Cowan, M. B. Dembour and R. A. Wilson (eds.), Cambridge: Cambridge University Press, pp. 126-148.

<sup>396</sup> This term is used Volpp's work which is used in the United States by some defendants (mainly of Asian men) to 'attempt to excuse criminal behaviour or to mitigate culpability based on a lack of requisite *mens rea*', p. 57, but this term seems to be quite relevant also when it comes to the use of international treaties in the local context. Volpp, L. 1994. "(Mis)Identifying Culture: Asian Women and the "Cultural Defence"", *Harvard Women's Law Journal*, Vol.17, pp. 57-102.

<sup>397</sup> Cowan, J., M. Dembour and R. Wilson. 2001. "Introduction", in J. Cowan, M. Dembour and R. Wilson, *Culture and Rights: Anthropological Perspectives*, Cambridge: Cambridge University Press, pp. 1-26, p. 1.

<sup>398</sup> Menski, W. 2006, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*, 2<sup>nd</sup> Edition, Cambridge: Cambridge University Press.

<sup>399</sup> Merry, 2006.

concept from the 'Western' concept which is 'incorporation of local understandings', and 'addition of global legal discourses'.<sup>400</sup> Studies such as these are important in understanding the context of Tajikistan where too the 'different mentality' is employed by actors involved in handling and dealing with VAW.

In the discussion over the universality of human rights concepts and their applicability to all countries women's rights in particular take an important place. One of the issues raised is that forcing non-Western countries to implement them into their local context may be regarded as an imposition of Western values.<sup>401</sup> This has given space for some non-Western countries to argue that certain practices may be regarded 'wrong' or 'degrading' by Western standards but are part of the culture of their community.<sup>402</sup> In this regard Merry raises an important question: who is in a position to talk in favour of or against cultural practices in a certain society and who they are speaking for?<sup>403</sup> Merry wonders whether those women activists who speak at international forums are representing the voices of all other women in their countries.<sup>404</sup> She notes that 'human rights ideas and feminist ideas are appropriated by national elites and middle-level social activists and translated into local terms'. She further adds that most vulnerable realize the relevance of human rights framework for their lives through the mediation of these middle-level and elite activists.<sup>405</sup>

She further poses a question of whether it is possible to protect women and at the same time give respect to cultural differences and notes that often these two oppose each other.<sup>406</sup> Clearly respect for cultural practices cannot exist at the expense of women. Women cannot be subjected to violence for the sake of culture. Focusing more on the fact that not *all* women condemn these practices may also give an excuse for different actors,

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<sup>400</sup> Merry, S. 1996. "Legal Pluralism and transnational culture: the Kahookolokolonui Kanaka Maoli Tribunal, Hawaii" in R. Wilson (Ed.), *Human rights: Culture and context: anthropological perspectives*, London: Pluto Press.

<sup>401</sup> Donnelly, 2007; Eriksen, 2004.

<sup>402</sup> Merry, 2006, pp. 61-65.

<sup>403</sup> Merry, 2006, pp. 16-21.

<sup>404</sup> Merry, 2006.

<sup>405</sup> Merry, 2006, pp. 218-219.

<sup>406</sup> Merry, 2006, pp. 16-21, 24-28.

such as the state, to ignore women's experiences of violence. It is important to identify and recognize the risk that 'respect for cultural practices' may create for women and their children. Quite often it is women who suffer the most from these practices particularly in patriarchal societies, therefore the gender dimension is almost always present in the 'cultural relativism' discussion. It is too often the case that governments make use of 'cultural relativism' in order to avoid effective implementation of their obligations under international human rights instruments. For instance, Tajikistan government notes in the report for the CEDAW convention that while it is committed to eradicating VAW in the country it will remain loyal to the political, economic and cultural particularities of the society (discussed further in chapter 5.2 and chapter 6.2, 6.3).

Certainly, it does not work either if cultural practices that are believed to put women in an inferior position are simply banned, without taking further actions, as was the case during the Soviet era in Tajikistan,<sup>407</sup> as demonstrated in chapter 3. As a result the effect of this law on women's lives was not as significant as it could have been, had they continuously assessed its adequacy and enforcement.

If women do not condemn cultural practices that degrade them, then it is the responsibility of the state to increase awareness of the implications of such practices particularly if they condone the use of violence against women. Certainly, it would be wrong to assume that NGOs employees or other groups can speak for all women. They have to pay more attention to the possibility of existing different divergent views amongst women and take these views into consideration during planning and implementation of their policies and programmes. Moreover, as Chapter 6 demonstrates, NGOs in Tajikistan remain tolerant to the patriarchal norms that subordinate women, and contribute to enhancing these norms instead of challenging them, so their views should not be taken as definitive.

The development of the concept of VAW at international level also influenced the ways in which it was formulated and introduced in Tajikistan. Before exploring the ways VAW

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<sup>407</sup> Massell, 1979; Wheeler, *et. al.*, 1964.

is perceived in Tajikistan this chapter will first engage in the theoretical discussion of the concept of VAW.

#### 4.2.2. Defining VAW

The issue of the definition of VAW presents a real challenge. Whilst VAW was previously limited to specific actions,<sup>408</sup> as a concept it now includes a wide range of circumstances.<sup>409</sup> There have been different terms used to describe violence and abuse within interpersonal relationship, ranging from domestic violence, spousal abuse, wife battering, wife beating and marital abuse. Previously, in countries such as England and Wales the concept of domestic violence was limited to a physical attack between heterosexual couples who lived together<sup>410</sup> which later was extended to violence which occurs before and after cohabitation and separation, and not only among heterosexual couples but also in homosexual relationships.<sup>411</sup> In patriarchal societies the culture promotes male dominance by force if necessary.<sup>412</sup> Historically, men held the right to chastise their wives and children.<sup>413</sup> This right was not morally or legally questioned. For a majority of feminists wife battering and other forms of VAW are practices to maintain dominance over women in patriarchal societies.<sup>414</sup> Violence can be inflicted on women by

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<sup>408</sup> Gordon, M. 2008. "Definitional Issues in Violence Against Women: Surveillance and Research From a Violence Research Perspective", in M. Freeman, *Domestic Violence*, Hampshire: Ashgate Publishing Limited, pp. 3-40, p. 5.

<sup>409</sup> Dobash E. and R. Dobash, 2008, "Women's Violence to men in Intimate Relationships: Working on a Puzzle", Freeman, pp. 41-66.

<sup>410</sup> Freeman, M. 2008. "Introduction", in Freeman, , pp. xiii-xxx, p. xiv. Feminist perspective on domestic violence began with a narrower focus where violence is perpetrated against women by their male partners. See Dobash R. E. and R. Dobash, 1980. *Violence Against Wives: A Case Against the Patriarchy*, New York: Free Press.

<sup>411</sup> Dobash E.. and R. Dobash, 1980. *Violence against Wives: A Case against the Patriarchy*, Open Books.

<sup>412</sup> Freeman, 2008, pp. xvii-xviii; Dobash R. E. and R. Dobash, 1980.

<sup>413</sup> Campbell, J. 1999. "Sanctions and Sanctuary: Wife Battering within Cultural Contexts", in Counts, *et.al.*, pp. 261-285, p. 266.

<sup>414</sup> Dobash R. and R. Dobash, 1980.

<sup>415</sup> Campbell, 1999; Hanmer, J. and M. Maynard 1985 (Eds.) *Women, Violence, and Social Control*. Atlantic Highlands, N. J.: Humanities Press; Radford, J. and D. Russell 1992. *Femicide: The Politics of Woman Killing*, New York: Twayne.

different family members including fathers, brothers, uncles and cousins<sup>415</sup> as is the case in the context of Tajikistan suggested by the data from the field.

This is important to consider because how VAW is termed may result in excluding a certain category of women who experience violence, or shifting the blame from instigators of violence to those who experience it. For instance by calling it spousal abuse, family violence, domestic violence may imply that both men and women engage in violence equally.<sup>416</sup> Such gender neutral terms, do not clarify who is the victim and who is the perpetrator<sup>417</sup> because the gender dimension and power essential in understanding VAW are removed.<sup>418</sup> Although men and women can suffer from violence, studies worldwide show that in the majority of cases violence is directed at women.<sup>419</sup> The term ‘violence against women’ may also exclude certain categories of population.<sup>420</sup> If initially domestic violence was concerned with physical violence, in later years other types of domestic violence or VAW were identified which include sexual, mental and emotional or psychological violence, or even threats of violence.<sup>421</sup>

Based on the evidence from the field, this study’s findings demonstrate that the term of VAW is understood in Tajikistan in a very narrow sense and at the moment no efforts have been made to develop a definition that encompasses the different forms of violence girls and women experience at home and in society in Tajikistan. The different ways in which VAW is understood is illustrated below in the section 4.3 of this chapter. These different views illustrate that there is confusion among different actors as to what VAW includes in Tajikistan. In contrast how domestic violence is formulated in specific

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<sup>415</sup> See Scaglione, R. 1999. “Spare the Rod and Spoil the Woman? Family Violence in Abelan Society”, in Counts *et. al.*, pp. 137-151. Scaglione investigates family relations in Abelan society and notes that husbands, older brothers, fathers, close relatives consider physical punishment necessary occasionally to discipline women.

<sup>416</sup> Buzawa E. and C. Buzawa. 2003. *Domestic Violence: The Criminal Justice Response*, 2<sup>nd</sup> Edition, London: SAGE Publications, pp. 13-14.

<sup>417</sup> Hague, G. and E. Malos. 1998. *Domestic Violence: Action For Change*, 2<sup>nd</sup> Ed., Cheltenham: New Clarion Press, p. 4.

<sup>418</sup> *Ibid.*, p. 4-5.

<sup>419</sup> Buzawa and Buzawa, 2003, pp. 21-23.

<sup>420</sup> Harris-Short, S. and J. Miles. 2007. *Family Law: Text, Cases, and Materials*, Oxford: Oxford University Press, pp. 256-257.

<sup>421</sup> *Ibid.*

countries is a useful way to understand how a working definition can be formulated in Tajikistan. For instance, in the UK, the Home Office definition provides that domestic violence included ‘any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality’.<sup>422</sup> There is currently no working definition of VAW (nor domestic violence) in Tajikistan which could have directed different actors to identify incidents of VAW. None of the state documents (discussed in chapter 6) provide a working definition of VAW to inform state officials, law enforcement agencies, prosecution and judiciary. Hence these actors develop their own perceptions of VAW.

The importance of determining how violence against women or abuse is perceived and studied is highlighted in the work of Dobash and Dobash.<sup>423</sup> They call for a greater clarity because it will assist researchers to study the phenomenon of VAW in a particular context, contextualize it. Dobash and Dobash further note that this clarity will also contribute to shaping the focus of public policies and legislation as well as determine the forms of interventions required for victims and offenders.<sup>424</sup> This study therefore aimed to contextualize the phenomenon of VAW, to understand how VAW was perceived in the specific context of Tajikistan. The findings of this study suggest that such caution is not yet in place in Tajikistan. Since no other sectors in Tajikistan academia for instance are involved in studying the issue of VAW in Tajikistan, the main source of any data are NGOs. NGOs have the potential to contribute to a proper formulation of the concept of VAW in Tajikistan. The ways in which they perceive and define VAW may be translated into public policies and legislation. However, it requires that NGOs are aware of potential concerns in terms of how they operationalize the terms attributed to VAW. Vigilance is particularly important in countries like Tajikistan where the concept has only recently

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<sup>422</sup> Home Office, 2011. “Cross-Government Definition of Domestic Violence: A Consultation”, London: Home Office, also see Home Office website at <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/domestic-violence/> last checked 6 May 2012.

<sup>423</sup> Dobash R. and R. Dobash, 2008, “Women’s Violence to men in Intimate Relationships: Working on a Puzzle”, in Freeman, pp. 41-66.

<sup>424</sup> Dobash and Dobash, 2008, p. 41.

been introduced and concepts are not formulated and societal norms remain tolerant to certain actions, hence prevent both victims and perpetrators naming those actions as violent. The findings of this study demonstrate that women were not able to determine that they are victims of VAW. This issue has been raised in the work of Radford and Kelly in their study of domestic violence in the UK. Radford and Kelly observe that recognizing that domestic violence is happening involves several steps, which include recognizing that what is happening is unacceptable, and naming the behaviour as violent.<sup>425</sup> If a woman fails to recognize that she is subjected to violence it is unlikely she would report or seek any form of intervention. Hence, it is crucial that such issues are taken into consideration when studying VAW in a specific context.

### **4.2.3. Explanations of VAW**

After the recognition of domestic violence as a social problem in the 1970s in the US and UK a number of theories have been developed to explain VAW. Roughly these explanations can be divided into the following categories: psychological theories, sociological and feminist perspectives.

#### **4.2.3.1. Psychological Theories**

A body of literature focusing on VAW in the US and UK developed theories drawing on the pathological characteristics of individuals.<sup>426</sup> The theories based on psychopathology suggest that perpetrators of VAW are inadequate, 'deviant', jealous men, while women who suffered from abuse are described as masochistic (they stay in abusive relationships because they like it), economically dependent and insecure.<sup>427</sup> According to Pizzey these kind of psychological factors are the result of problems faced during childhood.<sup>428</sup>

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<sup>425</sup> Kelly, L. and J. Radford. 1997. "Nothing Really Happened: The Invalidation of Women's Experiences of Sexual Violence", in M. Hester, L. Kelly, and J. Radford (Eds.), *Women, Violence and Male Power: Feminist Activism, Research and Practice*, Buckingham: Open University Press, pp. 19-33, p.20.

<sup>426</sup>See for instance, Jacobson, N. and J. Gottman, 1998. *When Men Batter Women: New Insights Into Ending Abusive Relationships*, New York: Simon and Schuster; Dutton, D. 1998. *The Abusive Personality: Violence and Control in Intimate Relationships*, New York: Guilford Press; Pizzey, E. 1979. *Scream Quietly or the Neighbours Will Hear*, London: Penguin.

<sup>427</sup> Pizzey, 1979.

<sup>428</sup> Pizzey, 1979.



However, Gelles in his study found that not all abusive husbands witnessed violence during their childhoods.<sup>429</sup> Violence is also linked to the use of alcohol, drug addiction and personality disorders.<sup>430</sup>

Furthermore, it was suggested that some woman may like being subjected to violence. Pizzey and Shapiro note that some women are 'prone to violence' and that one third of the battered women who participated in their study longed for the 'adrenaline high' received as a result of violence which they believe explains why these women stayed in abusive relationships.<sup>431</sup> This view that women liked being abused was criticized by feminists' scholarship because it removes the responsibility for violence and shifts the blame onto women for asking for or causing the violence.<sup>432</sup> These forms of explanations led to the treatment of such cases as deviant cases requiring treatment of individuals, also suggesting that such violence is not relevant to otherwise 'normal' relationships.<sup>433</sup> This approach was criticized and following questions raised why these men with mental problems restrict their violence towards their wives/partners only and why some abusive men do not show any higher rates of psychological problems than other men.<sup>434</sup> The focus on pathological behaviour does not explain the cause of the violence but only justifies or excuses the violence used. Therefore, these explanations provide only partial understanding of domestic violence.

#### 4.2.3.2. Sociological Theories

Sociological studies shifted the focus from individuals to the dynamics of the family. One explanation for male aggression is seen to be caused by socio-economic conditions (ranging from poor housing, unemployment, bad working conditions, and lack of

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<sup>429</sup> Gelles, R. 1972, *The Violent Home*, Beverly Hills: Sage.

<sup>430</sup> Straus, M. and Gelles R. 1990. *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families*, New Brunswick: Transaction Publishers.

<sup>431</sup> Pizzey E. and J. Shapiro 1981. "Choosing a Violent Relationship". *New Society*, No56, pp. 133-135.

<sup>432</sup> Berns, N. 2001. "Degendering the Problem and Gendering the Blame: Political Discourse on Women and Violence", *Gender and Society*, Vol. 15, N02, (April), pp. 262-281.

<sup>433</sup> Dobash, R. and R. Dobash, 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books.

<sup>434</sup> Gelles R. and Cornell, C. 1985. *Intimate Violence in Families*, California: Sage.

opportunities) which result in men's frustration and stress that causes male's aggression.<sup>435</sup> This may suggest that violence predominantly occurs in poor, socially and economically disadvantaged households, however, later studies observed that wives in socio-economically advantaged groups are also subjected to violence. Therefore, presenting it as a problem of only disadvantaged families ignores the experiences of many other women from better off families but who are also victims of VAW. The examples of other countries demonstrate that violence does not occur only in poor households.<sup>436</sup> For instance, the findings of this study also support the view that women regardless of their socio-economic backgrounds can experience VAW which is discussed in detail below.

Amir discusses the importance of a sub-cultural approach to VAW in his study of rape in the US.<sup>437</sup> This approach adds to the sociological stress theories and claims that men who are denied access to legitimate forms of power develop a set of norms from the main culture, where physical strength and macho behaviour become significant. Men in these groups therefore perpetuate violence on women as a response to the oppression and repression and experience of racism.<sup>438</sup> Along with other problems it makes women of these groups believe that they are betraying their community if they wish to seek assistance outside their community, particularly if it involves seeking assistance from police.<sup>439</sup>

Sociological explanations recognize that the socialization of girls/women and boys/men is based on teaching and legitimizing traditional gendered roles.<sup>440</sup> This suggests that children learn abusive behaviour from their parents and internalize gender norms from within the family or the 'sub-culture of violence'.<sup>441</sup> These norms teach girls to be

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<sup>435</sup> Straus and Gelles, 1990.

<sup>436</sup> For instance, see Plitcha, B. 1996. "Violence and Abuse: Implications for Women's Health", in M. Falik (Ed.), *Women's Health: The Commonwealth Fund Survey*, pp. 237-270; Tjaden, P. and N. Thonnes. 2000. "Prevalence and Consequences of Male-To-Female and Female-To-Male Violence as Measured by the National Violence Against Women Survey", *Violence Against Women*, Vol. 6, pp. 142-161; Gallin, 1999.

<sup>437</sup> Amir, M. 1971. *Patterns in Forcible Rape*, Chicago: Chicago University Press.

<sup>438</sup> Crenshaw, K. 1991. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Colour", *Stanford Law Review*, Vol. 43, No6, (July), pp. 1241-1299.

<sup>439</sup> Crenshaw, 1991, p. 1294.

<sup>440</sup> Steinmetz S. K., and M. A. Strauss. 1974. *Violence in the Family*, Oxford: Dodd, p. xxii.

<sup>441</sup> Brown, C. 1974. "The Family and the Subculture of Violence", Steinmetz, *et. al.*

submissive and accepting and boys learn to be aggressive and dominant and both are socialized to think that violence is a legitimate form of interpersonal relationship.<sup>442</sup> One of the criticisms this approach received is why only some abused children grow up to become abusers and not all and why some abusive husbands who did not experience violence during childhood become abusers.<sup>443</sup>

Gelles, using exchange theory in relation to family violence, notes that family members are violent towards their family members if the benefits outweigh the costs.<sup>444</sup> Gelles adds that 'people will hit and abuse other family members because they can do so'.<sup>445</sup> In order to prevent it people need social controls<sup>446</sup> which would 'bond people to the social order and negatively sanction family members for acts of violence'.<sup>447</sup> Inequality within a family and family privacy also contributes to the ability of a family member to use violence without bearing any cost.<sup>448</sup> Absence of strong social disapproval of such behaviour contributes to the presence of violence among family members. Furthermore, since some of the benefits from wife beating include increased power and control for men and an enhanced 'real man's image' <sup>449</sup> such behaviour becomes a necessity to uphold the existing traditional societal expectations. As will be shown below, social mechanisms such as mockery used among men in Tajikistan contributes to the use of violence against women, where men use violence to reinforce their power and prove their masculinity.

#### 4.2.3.3. Feminist Theories

It has been mentioned in chapter 2 that this study draws on a feminist perspective for understanding the causation of VAW and societal and institutional responses to VAW

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<sup>442</sup> *Ibid.*

<sup>443</sup> Buzawa and Buzawa, 1996, pp. 46-50.

<sup>444</sup> Gelles, R. 1983. "An Exchange/Social Theory", in *The Dark Side of Families: Current Family Violence Research*, D. Finkelhor, R. Gelles, G. Hotaling and M. Straus (Eds.), pp. 151-165, Beverly Hills, Calif: SAGE.

<sup>445</sup> Gelles, 1983, pp. 157-158.

<sup>446</sup> Gelles defines social controls as 'efforts to prevent interfamilial violence', 1983, p. 158.

<sup>447</sup> *Ibid.*, p. 157.

<sup>448</sup> *Ibid.*, pp. 158-159.

<sup>449</sup> *Ibid.*

and why for so long social and legal institutions have tolerated or perpetuated VAW.<sup>450</sup> Sociological and psychopathological explanations may demonstrate a correlation between violence and other factors, however, they do not explain why violence against women occurs in the first place. In this regard, feminists' explanations are useful to explore the phenomenon. Although there have been different explanations and ways of approaching the issue of domestic violence, most feminists' work tends to agree that women's experience of violence is directly linked to the unequal positions of men and women in society.<sup>451</sup> Violence reflects the unequal power within interpersonal relationships prescribed by patriarchal norms.<sup>452</sup> Patriarchy is regarded as a structural subordination of women with a socialisation process accepting the existing power structure without questioning.<sup>453</sup> For some radical feminists male violence is central to women's general experiences of oppression. Brownmiller's study of rape concludes that it is used by some men to control women.<sup>454</sup> Walby notes that 'men use violence as a form of power over women'.<sup>455</sup> Although gender is vital for feminist analysis of VAW, there are other dimensions that were introduced to feminists' debate on VAW. Black feminists also added the notions of race and class to feminists' debate on violence.<sup>456</sup> Hooks argues that violence is rooted in an ideology of oppression, hierarchical rule and coercive authority.<sup>457</sup> Thus, in feminists' discussions male violence towards women prevails. The view that men and women use violence alike in interpersonal relationships has been

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<sup>450</sup> Buzawa E. and C. Buzawa. 2003. *Domestic Violence: The Criminal Justice Response*, 2<sup>nd</sup> Edition, London: SAGE Publications, p. 24; Edwards, S. 1989. *Policing 'Domestic' Violence: Women, the Law and the State*, London: SAGE Publications; Suneetha, A. and V. Nagaraj. 2006. "A Difficult Match: Women's Actions and Legal Institutions in the Face of Domestic Violence", *Economic and Political Weekly*, Vol. 41, No. 41, pp. 4355-4362.

<sup>451</sup> Dobash and Dobash, 1980; Harris-Short and Miles, 2007; Harris, P. A. 1999-2000. "Gender, Violence, Race and Criminal Justice", *Stanford Law Review*, Vol. 77, pp. 777-807; Lazarus-Black, M. and S. E. Merry. 2003. "The Politics of Gender Violence: Law Reform in Local and Global Places", *Law and Society Inquiry*, Vol. 28, pp. 931-939.

<sup>452</sup> Dobash and Dobash, 1980.

<sup>453</sup> Dobash and Dobash, 1980.

<sup>454</sup> Brownmiller, S. 1976. *Against Our Will: Men, Women and Rape*, New York: Bantam Books.

<sup>455</sup> Walby, S. 1990. "From private to public patriarchy: The Periodization of British History" *Women's Studies Int. Forum*, Vol. 13 No 12, pp. 91-104, p. 225.

<sup>456</sup> See Hooks, B. 1999. "Eating the Other: Desire and Resistance" in *Feminist Approaches to Theory and Methodology: An Interdisciplinary Reader*, S. Hesse-Biber, C. Gilmartin and R. Lydenberg (Eds.), New York, Oxford: Oxford University Press.

<sup>457</sup> Hooks, B. 1984, *Feminist Theory: From Margin to Centre*, Boston: South End Press.

criticized by feminists. They argue that usually men are biologically stronger than women.<sup>458</sup> Buzawa and Buzawa note that male domination is a component of female violence because often female violence happens in the context of self-defence or in anticipation of male violence.<sup>459</sup>

Feminists' works suggest that in addition to the social control of women by violence from men, the state also plays an important role in perpetuating the system of oppression.<sup>460</sup> The availability of violence to men as a tool to dominate women is structured by the lack of state intervention to stop VAW.<sup>461</sup> The patriarchal state condones VAW unless it is 'extreme' or committed by a strange man in public places.<sup>462</sup> In a majority of cases women are failed by the criminal justice system and by any other state institution that fails to provide adequate responses to the needs of women.<sup>463</sup>

Campbell suggests that wife battering is relatively low in societies where women's status is the lowest, because of other norms that effectively control women.<sup>464</sup> Campbell comments that a society 'where women's status is most in flux and in contention would be where battering could be expected to be highest; and where there is the most equality, rates would be expected to be low'.<sup>465</sup> Tajikistan has gone through socio-economic and political changes which have shaken women's position once again after its independence: this perhaps explains the increase in violence against women. An increase of VAW is linked to unemployment, poverty, and social inequality which contributed to an increase in psychological, sexual, and physical forms of VAW in Tajikistan after independence.<sup>466</sup> Similar to women's experiences in other countries, in Tajikistan too often women's experiences are minimised or ignored either by professionals or by the wider community and they are accused of provoking the violence.

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<sup>458</sup> Dobash and Dobash, 1980.

<sup>459</sup> Buzawa and Buzawa, 2003, pp. 13-14.

<sup>460</sup> Dobash and Dobash, 1980.

<sup>461</sup> Walby, 1990, p. 225.

<sup>462</sup> *Ibid.*

<sup>463</sup> Buzawa and Buzawa, 2003; Dobash and Dobash, 1992; Dobash and Dobash 1980.

<sup>464</sup> Campbell, 1999, p. 267.

<sup>465</sup> *Ibid.*, p. 268.

<sup>466</sup> United Nations Development Programme and NGO Gender and Development. 2003. Tajikistan: On the Way to Gender Equality, No9, pp. 52-56.

### 4.3. VAW in the Context of Tajikistan

#### 4.3.1. Specialists' Perceptions of VAW

Buzawa and Buzawa in their study of domestic violence in the UK observe that definitions of domestic violence are largely dependent on the descriptions by police, assailants and victims.<sup>467</sup> Therefore, here I draw on justice systems' perceptions of VAW because it determines how VAW incidents are handled and influences victims' decisions to come forward.

Traditionally, wife abuse in Tajikistan is seen as a 'dispute' or 'scandal' to be solved within the family and there has only recently been a slight change in conceptualizing the notion among professionals (mainly NGOs) as a result of the influence of international organizations.<sup>468</sup> In the field it became apparent that different agents have different understandings of the concept of VAW in Tajikistan; even those involved with the phenomenon. This variability in understanding is compounded by linguistic difficulties in the country. The translation of 'violence against women' is either *nasilie v otnosheniye jenshin* (VAW) in Russian or a Tajik version, which only refers to domestic violence: *khushunati oilavi* (domestic violence). This Tajik version was translated from Russian language to Tajik only recently. Until the late 1990s it did not exist and is still not commonly used. This term also led to the creation of the Tajik notion '*khushan alaihi zanon*'<sup>469</sup> (VAW) in the mid of 2000s which is even less known among public officials, law enforcement officers or prosecution and judiciary and the wider public. In remote places where Russian is not widely spoken even neither the Russian nor the Tajik terms are familiar for justice system officers. The newly introduced notions of VAW in Russian and Tajik languages have not entered the legal system as yet.

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<sup>467</sup> Buzawa and Buzawa, 2003, p. 13.

<sup>468</sup> Haarr, 2005, Haarr, 2007; *Amnesty International*, 2009; Gulangez (one of the participants F13) noted that 'xu bijinta tar vaj nazevethen' ('you should not take your dirt outside home'), the findings of this study confirm this view is still prevalent.

<sup>469</sup> I came to know about this term during an interview with the NGO 'Voluntaryor' employee (FCS3).

After establishing a rapport with participants, every first interview with criminal justice system officers and state and NGOs representatives sought to address the question of what VAW is or how they understood it and if there were any guidelines explaining VAW. It became apparent there is uncertainty and discrepancies about what counts as VAW and how it is defined both among those involved in the criminal justice system and those outside the system but who deal with women's rights and VAW.

The Deputy to the Prosecutor in the Regional Prosecution Office, Gulnora (a female with 12 years' experience), who is also frequently invited by national NGOs to facilitate workshops on women's rights, explained that the system is limited by lack of resources and ignorance about the nature of VAW amongst her colleagues. She commented that:

'There are different forms of VAW: psychological, physical, emotional, economical, sexual ... Do you know that men can also be subjected to violence?! It's not only women, but men too can experience psychological violence. I have been invited to trainings and seminars by NGOs, I facilitated seminars for women, so I know these things, though not many people know that ... women are beaten up by their husbands and they stay quiet, do nothing about it, let their husbands treat them like that'.<sup>470</sup>

Gulnora was frustrated with women for not coming forward and was more critical of women for staying quiet than of men for using violence. The Head of the Investigation Unit in the Prosecution Office (a male with 8 years' experience) explained his perception of VAW and limited it to rape and spousal rape. Though he explained that if you ask the majority of justice officers and the wider public the question 'what is VAW'<sup>471</sup> they would associate it only with rape by strangers. He gave an example of being approached by one of his colleagues and explaining to him that rape can be committed by a husband. He explained:

'VAW essentially relates to rape of women. We have laws for it and we can prosecute men for rape. Not everyone comes forward though. First it does not happen very frequently, second, in small places where everyone knows each other, people just see no need to come to us [the police, prosecution] ... Rape can be committed by a husband. But not many people know that. One of my investigators came to me and asked "is it true that a husband can also commit rape? And when I told him if a husband forces himself on his wife, it is also rape", he was surprised. I think he asked it for his own sake [laughs]'.<sup>472</sup>

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<sup>470</sup> Interviewee FJS4.

<sup>471</sup> The Russian term.

<sup>472</sup> Interviewee MJS5.

A police officer from an investigation unit of a municipal police unit commented:

‘VAW is when a woman is raped ... also *izbienie* (beating) which leads her to hospitalization “what else there can be? ... Perhaps, being driven to suicide?!”’<sup>473</sup>

Although the police officer included beating and rape, and possibly suicide as a form of VAW, he was not entirely sure about what VAW included. These quotes were chosen because of the positions these justice system officers had and compared to others they were more experienced in dealing with forms of VAW. They are also responsible for overseeing the work of their investigators which included cases of VAW. There is a high level of ignorance among justice system officers about the nature of VAW and how to handle it (inadequate enforcement of the law is discussed in chapter 5). Gulnora seemed the most informed about what constitutes VAW compared to her colleagues and her awareness derives from her participation in workshops run by NGOs. A majority of other justice system officers reduce VAW to sexual assault or rape by strangers (although the head of investigation unit noted that rape by a husband can also be rape he could not explain how the use of force would be defined and whether it includes oral consent or not).

NGOs’ perceptions of VAW in Tajikistan are influenced by the international organizations.<sup>474</sup> It was noted earlier that international organizations were the reason the issue was recognized as a social problem officially and they are contributing to the formulation of the concept in the country.<sup>475</sup> How VAW is defined in international conventions, particularly the conventions on women’s rights, influence national NGOs’ understanding of the issue in Tajikistan. Ideally, national NGOs compared to other actors that are involved directly or indirectly in the eradication of VAW in the country should have a better understanding of what constitutes VAW. However, the findings of this study suggest uncertainty in terms of what constitutes VAW among NGOs workers. Their

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<sup>473</sup> Interviewee MJS8.

<sup>474</sup> For more information on the influence of the international community on gender violence politics in post-Soviet states see Johnson, J. 2009. *Gender Violence in Russia: The Politics of Feminist Intervention*, Bloomington: Indiana University Press; on the impact the EU has on gender politics in post-Soviet East European states see Fabian, K. 2010. “Mores and Gains: The EU’s Influence on Domestic Violence Policies Among Its New Post-Communist Member States”, *Women’s Studies International Forum*, Vol. 31, pp. 54-67.

<sup>475</sup> Haarr, 2005; 2007.



views on the nature of VAW vary from one another. They also lack clarity in their understandings of VAW. The views of employees within the same NGO can differ from one another as the following example demonstrates:

‘I think when husbands leave their wives and go to Russia it’s also violence against women, and don’t send them money and support them, it is violence against women, moral violence’.<sup>476</sup>

Since gender ideologies are strong in Tajikistan it is expected that the husband provides his family with financial support and some male migrants fail to support their wives and children in Tajikistan financially, who have to survive on their own. This quotation suggests that some NGO employees accept economic dependence of wives on their husbands.

‘*Nasilie v otnoshenie jenshin* (Russian term for VAW) can be rape also ... in a household when a husband hits his wife badly, injures her and she ends up in a hospital that is also violence against women’.<sup>477</sup>

Similar to justice system officers, NGOs representatives also reduce VAW to certain aspects. The two views above are presented in order to illustrate the different ways in which VAW is understood. There is a real uncertainty among NGOs representatives as to what VAW is. NGOs employees also tend to reduce VAW to rape by strangers and other forms of physical violence. Although the quote above refers to severe forms of physical violence by husbands which results in hospitalization, other NGOs representatives included physical violence without any plausible reason.

It has been discussed above that NGOs have the potential influence to contribute to developing a definition of VAW, to ensure that the definition covers experiences of as many women as possible. Therefore, ways in which they understand will also impact perceptions of state officials and the criminal justice system, because NGOs along with international donors’ assistance provide training and workshops to increase awareness about the issue of VAW and influence the discourse on VAW. Thus, this lack of clarity and inconsistency is of real concern. It is not uncommon that domestic violence may be perceived in a certain way even as Dobash and Dobash observe in their study.<sup>478</sup> They

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<sup>476</sup> Female, programme coordinator, FCS3.

<sup>477</sup> Male, legal adviser in a crisis centre, interviewee MCS8.

<sup>478</sup> Dobash and Dobash, 2008.

note that in most cases legislators, policy makers, legal and social service professionals and community advocates see the issue of domestic violence as primarily a problem of men's violence against women.<sup>479</sup> Dobash and Dobash note that:

‘Across these organizations in countries throughout the world, the operating definition of the problem they confront is overwhelmingly one of male violence against a female partner. For them, violence against women is *the* problem and the one in need of urgent response’.<sup>480</sup>

This prevailing view is at the core of these organizations' perceptions, influencing their advocacy and campaign programmes and thus, impacting upon initiatives of state, national institutions, NGO programs, legal system and intervention policies. In their reports<sup>481</sup> NGOs provide a definition which is used in international organizations' reports, particularly WHO which conducted the first ever survey on VAW in Tajikistan. The WHO 2000 study used the definition defined in the UN Declaration on the Elimination of all Forms of VAW but focused on physical, sexual and psychological violence.<sup>482</sup> But in their references to cases it is confined to 'domestic violence', which is further reduced to violence or abusive behaviour directed towards wives, daughters-in-law by husbands and mothers-in-law.<sup>483</sup>

The role of third parties, such as NGOs in leading the discourse on VAW is significant as Merry explains in her study.<sup>484</sup> In her study she refers to 'intermediaries' (which include community leaders, NGO participants and social movement activists) all of which play a crucial role in translating transnational human rights ideas into a local context.<sup>485</sup> She believes that there has not been much 'anthropological attention to the process by which

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<sup>479</sup> Dobash and Dobash, 2008, p. 42.

<sup>480</sup> *Ibid.*

<sup>481</sup> For instance see Khasanova, G. 2007. *Net Domashnemu Nasiliyu v Zerafshanskoi Doline: Otchyot Po Resultatam Monitoringa V Zeravshanskoi Doline* (No to Domestic Violence in Zerafshan Valley: Survey Result of a monitoring in Zeravshan Valley), Aini: NGO *Kuhsor*; Bozrikova, T. 2004. 'Sudebnaya Praktika po Nasiliyu v Otnoshenii Jenschin: Realii i Osobennosti', (Court Practice in relation to violence against women: reality and particularities); Berdiev, A. and B. Abdujaborov. 2006. *Problemi Nasilia v Otnoshenii Zhanshin: Otchyot Po Monitoringy v Istaravshanskom Rayone, Sogdiyskoi Oblasti*, (Problems related to VAW: a survey conducted in Istaravshan district of Soghd Region), Soghd: NGO *Prava Grazhdanina*.

<sup>482</sup> WHO 2000, p. 8.

<sup>483</sup> Khasanova, 2007; Bozrikova, 2004.

<sup>484</sup> Merry, S. 2006. "Transnational Human Rights and Local Activism: Mapping the Middle", *American Anthropologist*, Vol. 108, No1, pp. 38-51.

<sup>485</sup> Merry, 2006, pp. 38-39.

universal human rights ideas are adopted and applied locally, particularly in areas other than indigenous rights'.<sup>486</sup> She further notes that these intermediaries have a powerful role as 'knowledge brokers between culturally distinct social worlds'.<sup>487</sup> They can use and manipulate the knowledge they have against those with less knowledge and they can be vulnerable and subject to influences based on who is funding them, their ethnic origin, gender, or other social commitments.<sup>488</sup> She mentions the dilemma human rights activists may face, when they advocate respect for human rights and accommodate cultural traditions and narratives to make their struggle appealing in a particular context.<sup>489</sup> However, Merry raises the issue that if these activists 'present human rights as compatible with existing ways of thinking, these ideas will not induce change'.<sup>490</sup> This is precisely what is happening currently in Tajikistan where the government and NGOs claim that women's rights ideas are not unfamiliar to the context of Tajikistan. Merry highlights the difficulties 'NGOs face, such as on the one hand they have to speak the language of international donors to get funding and at the same time present their initiatives in a way to remain loyal to the cultural context and be accepted by at least some of local community'.<sup>491</sup>

Despite this lack of clear understanding, the majority of these officers and NGOs employees believe that the legal system provides protection to women if they wish to use it. But women 'stay quiet' as Gulnora states above, therefore from their perspective it is women who are reluctant to make use of the legal remedies available. What they fail to acknowledge among other things is the multiple challenges women face when accessing the justice system (discussed in chapters 5 and 6).

### **4.3.2. Types of VAW in Tajikistan**

Although NGOs have recently started reporting that women also experience violence

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<sup>486</sup> *Ibid.*

<sup>487</sup> *Ibid.*

<sup>488</sup> *Ibid.*

<sup>489</sup> *Ibid.*

<sup>490</sup> *Ibid.*, p. 41.

<sup>491</sup> *Ibid.*, pp. 42-43.

from their mothers-in-law in Tajikistan, generally NGOs' definition of domestic violence or VAW includes only a limited part of girls and young women's experience, and subsequently inhibits the provision of adequate responses. As discussed in the previous chapter existing gender ideologies still prevail, hence, girls and boys are prepared from childhood for their gender roles and are expected to fulfil their duties accordingly. Girls experience pressure, physical and psychological abuse long before they become wives (Chapter 1.2). The current focus on wife beating neglects the role of parents (fathers and mothers alike) and other male (and female) members of the family. If violence is defined more widely to include their experience of growing up in a family, it can be argued that girls and women experience 'violence' from childhood in their natal families.

The most common forms of violence discussed in the NGOs reports in Tajikistan are physical and psychological violence.<sup>492</sup> Another issue widely discussed among the NGOs is the high number of suicide among girls and young women. This practice is not uncommon in Tajikistan. However, it is believed to have increased significantly in the years since the collapse of the Soviet Union.<sup>493</sup> International and national NGOs link the high suicide rate to domestic violence.<sup>494</sup> Studies on suicide among women in Tajikistan remain scarce. Studies from other countries show that suicide among women may be linked to the abuse they experience at home. For instance, Counts notes that, among the Kaliai community in Papua New Guinea, suicide is sometimes a tragic outcome of wife beating.<sup>495</sup> Counts further notes that suicide threats or attempts can deter a husband from further violence or even force a woman's relatives to intervene on her behalf.<sup>496</sup> The current Criminal Code preserved the same article left from the Soviet period on driving

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<sup>492</sup> See Shadow Report, 2006; Coalition 2009.

<sup>493</sup> Amnesty International, 2009; Khushkadamova, Kh. 2010. "Women's Self-Immolation as a Social Phenomenon", *Sociological Research*, Vol. 49, No1, (January- February), pp. 75-91; Haarr, R. 2010. "Suicidality Among Battered Women in Tajikistan", *Violence Against Women*, Vol. 16, No7, pp. 764-788; Harris, C. 2003. "Suicides: Central Asia", S. Josphe and A. Najmabadi (Eds.), *Encyclopaedia of Women and Islamic Cultures: Family, Body, Sexuality and Health*, Leiden, Netherlands: Brill, pp. 451-452.

<sup>494</sup> Amnesty International, 2009; Falkingham, 2000.

<sup>495</sup> Counts, D. 1999. "'All Men Do It:' Wife Beating in Kaliai, Papua New Guinea", Counts, *et.al.*, pp. 73-86.

<sup>496</sup> Counts, 1999.

someone to suicide,<sup>497</sup> however, there have been no reports and convictions on this matter.<sup>498</sup>

In Tajikistan, frequently, those girls and women who commit or attempt suicide are blamed for ‘not having enough patience’ to deal with everyday life.<sup>499</sup> NGOs launched a campaign to condemn such a practice which included different sectors of society, including religious *imams* and *mullahs* who were also invited to condemn it. The latter convey that religion prohibits suicide and therefore these people and their families must be ostracized.<sup>500</sup> Religious clerks also promise to refrain from attending the funerals of those who have committed suicide.<sup>501</sup> Lola, Nina’s 22 year-old niece, committed suicide. Although she was not subjected to physical abuse, she was believed to suffer from pressure from her neighbours, colleagues and society in general because her mother abandoned her and her brother and married another man and left the country. Nina believes that girls are pressured to fulfil their duties and when they think they cannot, to avoid embarrassment, they resort to extreme measures, such as suicide.<sup>502</sup> Given the strong social control on girls (as Lola’s above and Shahnoz’s cases-discussed in chapter 3 demonstrate) it is possible to conclude that there is such a link between psychological pressure, control, intimidation and beating girls and women experience and suicide.

#### 4.3.3. Who are Victims of VAW in Tajikistan

The data from the field suggest that girls and young women are believed to experience violence because they are prone to ‘misbehave’ and bring dishonour to their natal and conjugal families. This view was shared by both male and female participants of this study. They are believed to be more vulnerable to seduction by men and consequently at risk of destroying their reputations and dishonouring their families in the eyes of the community as was the case with Shahnoz for instance (discussed in chapter 3.3.3). This

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<sup>497</sup> Article 109, The Criminal Code of Republic of Tajikistan,

<sup>498</sup> Conclusion based on interviews with criminal justice system officers: MJS3 MJS5, FJS3.

<sup>499</sup> Interview with a lawyer from the NGO ‘League of Women Lawyers’ Interviewee FCS6.

<sup>500</sup> Interview with a religious clerk. Interviewee M8.

<sup>501</sup> Interviewee M8.

<sup>502</sup> Interviewee F11.

creates a favourable environment for the use of physical and psychological violence to control girls' and women's mobility and sexuality.

As women age they tend to achieve some form of freedom and enjoy relative freedom compared to girls and young women. With age women gain authority and have less necessity or expectations to prove submissiveness. Importantly data from the field supports Haarr's conclusion that as women age, the incidence of being beaten by their husbands starts to decrease.<sup>503</sup>

In addition, girls and young women may question the right of husbands and mothers-in-law to commit physical or psychological violence and attempt to resist it. Therefore, there is even a bigger need to 'tame' these young wives to ensure that they comply with their roles. As girls and women age their views on VAW change because their position within the family also changes and they may be involved in coercing violence on other women to preserve the good name and honour of the family.

In addition to age, there are other factors that shape perceptions about who victims may be. A large number of this study's participants (male and female) among justice system officers and NGOs representatives suggest that it is girls and young women with poor educational and professional backgrounds who are likely to experience violence because they are unaware of their rights. However, as has been discussed above VAW does not affect only 'uneducated' young girls and women who come from poor households. This study's findings reveal that VAW goes beyond these boundaries and affects even highly educated girls and women. Despite the prevailing view among representatives of NGOs, government bodies, and the justice system agents that women with no education are at a greater risk of violence because 'they do not know their rights, the stories presented in this study: Nina, Nigora (presented below in 4.5), head of Women and Family Affairs Committee who is also victim of violence-presented in chapter 6.4.2<sup>504</sup>), Modavlat<sup>505</sup> and Nargis (chapter 3) show that women with high level of education and in leading

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<sup>503</sup> Haarr, 2007, p. 263.

<sup>504</sup> Interviewee F33.

<sup>505</sup> Interviewee F30.

professions, are also not exempt from violence. It is true that poverty and unemployment hit women hardest therefore making them more vulnerable.<sup>506</sup> The stories in this study demonstrate that many women lack economic security which prevents them from leaving their abusive husbands even if they wished so. However, this economic and social dependency on their marriage is not only relevant to those women who are unemployed, the dependency transcends across to women who work outside the home. Violence against women is not exclusive to unemployed and poor women but is relevant to those women even with relatively better positions in terms of their access to resources in a society with strong gender ideologies.

#### **4.4. Factors Contributing to VAW in Tajikistan**

Earlier in this chapter explanations for violence against women were discussed. It was concluded there that psychological and sociological theories are inadequate as explanations. This thesis thus draws on feminist explanations and now considers them in the specific context of VAW in Tajikistan. It is argued that women's experience of violence in Tajikistan is connected to their subordinate status, and different social control mechanisms are used to ensure this subordination. The prevailing patriarchal values control actions of both men and women and contribute to the persistence of VAW in Tajikistan.

##### **4.4.1. Mockery**

'They [my husband's friends] mock my husband because I spend long hours at work or most of the time am absent because of work and while I am away he looks after the children ... it [the mockery] makes him feel sad and he *davo* [quarrels] a lot but at least he does not forbid me to work'.<sup>507</sup>

The above is a statement made by the head of an NGO who deals with VAW. This statement reflects the experience of many women that was encountered during the

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<sup>506</sup> Falkingham, 2000; Mainstreaming Gender in Poverty Reduction Strategies, Asian Development Bank (ADB), 2006. "Tajikistan: Country Gender Assessment".

<sup>507</sup> Interviewee FCS4.

fieldwork, regardless of their social and educational status or professional background. Due to the different mechanisms of social control, a man may feel compelled to beat his wife in order to establish and assure his position within his male peer group, but not exclusively among this male group. It could also extend to his family members and the wider community, including male and female members. In the introduction to the book titled *To Have and To Hit* Brown draws on common patterns observed in patriarchal societies where men's masculinity is reinforced through beating of women.<sup>508</sup> According to Brown the beating has a great deal to do with a man's avoidance of ridicule and his position as a "man among men".<sup>509</sup> A man must prove that he is fierce and he can achieve this by beating his wife.<sup>510</sup> In Tajikistan a man may assert physical control over his womenfolk in order to preserve the good name and standing of his family within the community. Harris, in her study of gender relations in Tajikistan, concludes that mockery and jeering are extremely effective means of enforcing male social conformity.<sup>511</sup> Similarly this study's findings demonstrate that, if a man is unable to prevent the manifestation of misbehaviour on the part of a family member, he is punished by his peers by mockery and jeering. In Tajikistan, a man must prove his position and reputation and show that he is in control of his family and its members, particularly the womenfolk. It is crucial for the man and the female members of the family to uphold the image that he is in charge, particularly in public. Challenging the authority of men in public is an emasculating experience that disturbs the gender hierarchy; therefore, physical violence can be employed to ensure compliance with the societal norms.

In addition to preserving men's manhood, there are other factors that are believed to cause VAW, including socio-economic difficulties and pathological behaviour such as drug and alcohol abuse in Tajikistan. In the CEDAW report the government states that

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<sup>508</sup> Collection of articles based on ethnographic explorations in a variety of cultures, including Iran and some societies in Oceania. Brown, J. 1999. "Introduction: Definitions, Assumptions, Themes, and Issues", in Counts, *et. al.* pp. 2-26

<sup>509</sup> Brown, 1999, p. 14.

<sup>510</sup> Darper, P. 1999. "Room to Manoeuvre: !Kung Women Cope with Men", in Counts, *et.al.*, pp. 53-72, p. 58; Lauris, M. 1999. "Men's Rights/Women's Wrongs: Domestic Violence in Ecuador", in Counts, *et al.*, pp. 168-186.

<sup>511</sup> Harris, 2006, p. 71.



‘the status of women, more so than that of men, is complicated by many factors, among them the decline in the standard of living during the transition period and the growth of unemployment’.<sup>512</sup> Many participants, including women and the representatives of different institutions (the police, prosecution, judiciary, NGOs) blame alcohol and drugs for the violence (particularly its extreme forms) that women experience from their husbands. A police officer regards economic factors and alcohol and drug abuse as the reason why men hit their wives for no reason:

‘The living conditions are quite hard nowadays. Men cannot find a job and some turn to alcohol and get drunk. They feel angry because of their economic difficulties and lack of money. They are stressed, they go home and take their anger out on their wives.’<sup>513</sup>

The sociological explanations for violence discussed above are also employed by professionals involved in eradication of VAW in Tajikistan to explain men’s violence towards women and particularly their wives. The above quote suggests that men feel frustrated for not being able to live up to their gender role expectations, be a breadwinner of the family and seek consolation in alcohol and drugs. Some studies demonstrate that stress combined with alcohol and drugs in men, can lead to the use of violence against their wives.<sup>514</sup> Similarly in Tajikistan if, for example, a man fails to fulfil his role as a breadwinner within the family unit, it can be perceived as acceptable by the society, for a man to take out his frustrations on his wife, and other family members. Although most of the participants of this study, including men and women, disapprove of such behaviour (as it suggests hitting for no reason), they believe that given the circumstances it is understandable for a man to act like that. As has been discussed above there is a correlation between these factors and the likelihood of violence, however they do not

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<sup>512</sup> CEDAW, 2005, para 1 (a-c), p. 9.

<sup>513</sup> A senior Investigator in Municipal Police Unit. Interviewee MJS13.

<sup>514</sup> For instance see Lang, Atkinson and Greenstein who indicate in their study that if wives earn more than their husbands it also increases the risk of being abused. However, they point out that this correlation is relevant only in families where husbands have strong traditional views. Lang, M., M. Atkinson and T. Greenstein. 2005. “For Women Breadwinning Can Be Dangerous: Gendered Resource Theory and Wife Abuse”, *Journal of Marriage and Family*, Vol. 67, No5, pp. 1137-1148; Vyas, S. and C. Watts. 2009. “How Does Economic Empowerment Affect Women’s Risk of Intimate Partner Violence in Low and Middle Income Countries? A Systematic Review of Published Evidence”, *Journal of International Development*, Vo. 21, pp. 577-602. Vyas and Watts conclude that poverty reduction and increasing equal access of men and women to secondary education could help to reduce the level of intimate partner violence.

provide explanations for male's violence towards women. In societies like Tajikistan women's perceptions of their gender roles and duties are reflected in whether they approve of VAW. Haarr studied women's approval of wife beating in Tajikistan and concluded that women engaged in paid work approve more of wife beating than those who are not.<sup>515</sup> This is contrary to the experience in other countries. According to Haarr's study, women with higher education and/or who are engaged in work outside the home are more likely to approve of and justify VAW. This suggests that paid work outside the home does not result in economic independence, followed by greater social freedom in the case of Tajikistan because all sectors of the society are influenced by the strong gender ideologies. The importance of economic factors cannot be ignored. Engagement of women in work outside home does not necessarily mean for women in Tajikistan that they would earn sufficient fund to obtain financial independence. Contrary to the suggestion that financial independence results in women being less 'patriarchally controlled',<sup>516</sup> for the majority of women in Tajikistan economic or financial security does not result in greater social independence, because there are other societal mechanisms used to ensure their dependency and subordination.

#### **4.4.2. How VAW is Justified in Tajikistan**

There are a number of justifications in Tajik society abuse by husbands and mother-in-law which predominately correspond to failing to fulfil the gendered norms and expectations. Brown notes that in some cultures 'disproportionate vehemence and violent rage are seen as justified because of the firm belief that the entire social fabric would unravel if such wifely behaviour were countenanced'.<sup>517</sup> Haarr's study identifies some of the justifications for a husband's and mother-in-law's right to physically and emotionally abuse the wife.<sup>518</sup> Around seventy two percent of the female participants agreed that a husband has a right to hit his wife, swear at and threaten his wife as well as control her

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<sup>515</sup> Haarr, 2005; 2007.

<sup>516</sup> Haarr, 2007, p. 254.

<sup>517</sup> Brown, 1999, p. 5..

<sup>518</sup> Haarr, 2007; 2008.

mobility.<sup>519</sup> Thirty eight percent agree that a father has the right to hit his children.<sup>520</sup> Around forty six percent agreed that a husband has the right to force his wife to have sex.<sup>521</sup> According to Haarr's findings, around eighty percent of women approve of wife beating if a woman fails to seek permission, if she is suspected of having relationships with other men, neglects her children, refuses to do as she is told, is seen talking to men who are not relatives, or uses contraception without her husband's knowledge.<sup>522</sup> If women fail to avoid these activities, they may be hit by their husbands.<sup>523</sup> Sixty three percent of women also agree that violence was justified if wives speak to someone about their marital problems or if they criticize their husbands in front of their children.<sup>524</sup>

These findings suggest that husbands' abuse of their wives has a high degree of social and cultural support. If girls and women fail to abide by the existing societal norms violence is justified. Girls and women are entrapped into following gendered expectations and upholding the norms prescribed by the shame-and-honour system. These views are also reflected in the legal and non-legal professionals' responses to VAW, as discussed in detail in Chapter 5 and 6. Although men's and women's right to use physical and emotional violence is unquestioned, there has to be a reason to justify this violent act, for instance if actions of girls and women are believed to put the name of the family and the man at risk then physical and emotional violence is condoned.

While supporting that there is strong acceptance of husbands' and mother-in-laws' right to control a wife's actions either by the use of physical or psychological violence, this study's findings demonstrate that this right to hit a girl or woman is not limited to their husband or in-laws but extends to the immediate family. This study confirms Haarr's view that women's acceptance and approval of such violence is due to their adherence to

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<sup>519</sup> Haarr, 2005, p. 28; Haarr, 2007, p. 253.

<sup>520</sup> Haarr, 2005, p. 28.

<sup>521</sup> Haarr, 2005, p. 35; Haarr, 2007, p. 253.

<sup>522</sup> Haarr, 2005, p. 37; Haarr, 2007, p. 255.

<sup>523</sup> Khagai, M. 2002. "Polygamy Research in Tajikistan: Report on the Pilot Research Conducted in Dushanbe, Khatlon's Urban and Rural Areas, February-April 2002", Women's NGO 'Traditions and Modernity', Swiss Agency for Development and Cooperation (SDC). (From now on Polygamy Research, 2002).

<sup>524</sup> Haarr, 2005, p. 19, 37; Haarr, 2007, p. 255.

the traditional gender identities, particularly to the submissive and obedient role that the cultural and societal expectations place on women in marriage and the family.<sup>525</sup> If society fails to condemn VAW and instead provides conditions for it, such violence is accepted by all members of society. Draper notes that, where there is a strong community condemnation of aggression there is less likelihood of wife battery or beating occurring.<sup>526</sup> When there is no social 'permission' physically to chastise wives, any fights among spouses is looked upon as shameful and stopped as quickly as possible.<sup>527</sup>

The evidence shows that, in the Tajik context, there is lack of such condemnation of the pervasiveness of violence committed against girls and boys. During this research, it became apparent that girls and boys observe and experience physical violence, verbal abuse and intimidation both at home and in public. Starting from nursery, societal norms allow teachers verbally or even physically to assault children.<sup>528</sup> During the fieldwork, a number of girls and boys indicated that they had suffered physical abuse at least once during their school career.<sup>529</sup> In the concluding remarks for the CCPR, concern over the widespread use of corporal punishment in schools was raised.<sup>530</sup> Since honour and shame of the men and family is more attached to the behaviour of girls and women, they are subjected to stricter control both based on their gender and age hierarchy.

#### 4.5. Why Women Don't Leave?

The previous part discussed the factors that contribute to women's experience of violence as well as the justifications given for such actions. Since the common view in society

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<sup>525</sup> Haarr, 2007, pp. 264-265.

<sup>526</sup> Draper, 1999, p. 58.

<sup>527</sup> *Ibid.*, p. 58.

<sup>528</sup> One participant noted that 'I can understand why nannies [in nurseries] and teachers [in schools] beat children, there are many children and the teacher is one ... today, children are so uncontrollable, they don't behave ... so you feel sorry for their teachers', F20. Due to the lack of data on the corporal punishment of children during the Soviet era, it is hard to make any comparison with the current situation in order to understand its nature and persistence.

<sup>529</sup> Interviewee F13, Interviewee F11, Interviewee M2.

<sup>530</sup> Art. 24 of the CCPR available at <http://www2.ohchr.org/english/law/ccpr.htm> last checked 29.04.12; Human Rights Committee Concluding Observations on CCPR, Eighty-fourth Session, 18 July 2005, CCPR/CO/84/TJK, para 23(on use of corporal punishment in schools), p. 5.

regards violence as occurring for a reason, when a girl or woman fails to fulfil the gendered expectations, they find it embarrassing to reveal such cases, as they may be blamed for the violence. Subsequently, girls and women are reluctant to talk openly about the violence they may experience and/or seek any formal intervention. In this context, this part discusses the ways in which women try to cope with violence.

Nina's case below demonstrates the duality and complex situations in which women find themselves. Quite often older women feel entrapped because, as they age, it becomes harder to leave. Therefore they are more likely to come to terms with their situation and not seek assistance. Nina had three daughters. Her husband complained that they did not have enough money, so Nina decided to get a job. She was educated and spoke English and German but, after many years of being a housewife, it was not easy for her to find a job. So her sister helped her to do so. Nina had a small daughter to look after. She also had another daughter (twenty six years old) who was married and was beaten by her husband. Nina wanted to help her daughter, so she brought her back home and asked her to finish her university studies. Nina also told her daughter that she would support her if the latter decided to divorce her husband, but her daughter returned to him instead. Nina's middle daughter (who was aged twenty at the time) was stabbed eighteen times in their house by an unknown person. When Nina returned home from work, she discovered her daughter behind the sofa, covered in blood and dead. It was never discovered who killed her daughter. Her husband, who works for the Ministry of Interior,<sup>531</sup> drinks excessively and beats Nina when he comes home drunk. He blames Nina for what happened to their daughter. Nina also suspects that he has another woman and spends all his money on her. However, she is reluctant to leave:

'I am too old to start life afresh. Where would I go, where would I start? ... I earn some money but it's hardly enough to buy food and necessities for my daughter for school. I won't be able to get a place of my own and I don't think my family [both her parents have passed away, she has older sisters and a brother] would understand or approve of my behaviour ... what about my neighbours? People will say I went crazy in later life/old age ... what about my daughter? ...

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<sup>531</sup> The Ministry of the Interior is responsible for the police force in Tajikistan. *Zakon Respubliki Tadjikistan O Vnutrennikh Voiskakh Ministerstva Vnutrennikh Del*, (Law on Forces of Ministry of Interior of Republic of Tajikistan, Konuni Jumhurii Tojikiston dar borai milisia (Law of the Republic of Tajikistan on Militia), No12, Mod. 820, 2009.

her *jamat* (marital) family will criticize her for my behaviour ... neither her husband nor her in-laws will treat her well after that'.<sup>532</sup>

Nina's despair reflects the stories of many of the middle-aged women whom I interviewed. Like Nigora,<sup>533</sup> Nina has also come to terms with her situation, like many other women in Tajikistan. Stories like those of Nina and Shahnoz (discussed in chapter 3) illustrate the complexity of women's situation in the Tajik context. Women's actions reflect on their families, particularly on their children, who are punished as a result of their parents' actions.

The stories above suggest that violence may form part of the role of being a sister, daughter or wife. Frequently, during the interviews, it emerged that a girl needs a *sohib* (master), whether a natal family member or husband, who can keep an eye on her so that she does not misbehave and bring shame on herself and her family (natal and conjugal). This does not mean that all sisters, daughters and wives are subjected to constant physical violence, although many women experience violence or the threat of it at least once in their lifetime.<sup>534</sup> In addition, there is always the possibility of experiencing physical violence if women's behaviour transgresses the framework dictated by the gendered norms. Lateef notes in this regard that:

'While the enduring influence and persuasiveness of familial ideology ensures female submission with little male intervention, the occasional use and persistent threat of violence consolidates male dominance and female subordination within the family.'<sup>535</sup>

She further notes that this threat and the potential use of physical violence serve as a powerful, effective way to ensure the maintenance and reproduction of traditional gender relations.<sup>536</sup> Therefore, it is unnecessary for a young girl or woman to experience violence; knowing that men and older women have the right to control the former is sufficient to encourage girls and women to behave according to the existing norms.

One of the most common questions asked by activists and scholars is why women remain in abusive relationships. Feminist scholars aim to understand and explain why the female

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<sup>532</sup> Interviewee F11.

<sup>533</sup> Interviewee F18.

<sup>534</sup> WHO, 2000.

<sup>535</sup> Lateef, 1999, p. 230.

<sup>536</sup> *Ibid.*, p. 217.

victims of violence remain in abusive relationships.<sup>537</sup> Hoff notes that cultural values relating to the family, socio-economic conditions of women and the threat of violence when leaving all serve to prevent women from leaving.<sup>538</sup> Societal disapproval of such attempts and a lack of the necessary economic resources to sustain themselves and their families prevent many women from leaving. It is a common presumption that, to ensure the safety of the victims, women must leave abusive relationships. However, not all wish to leave because they still care about the perpetrator and their remaining may not necessarily mean that the abuse will continue.<sup>539</sup> Certainly, leaving an abusive relationship does not guarantee safety for women and their children. Among the women who participated in this study, only a small number (two) stated that they wished to leave their husband, while the majority were unwilling to leave. Ellsberg and colleagues discuss the different mechanisms used by women to cope with spousal violence: if the violence is not severe, they use a verbal or physical self-defence mechanism. If it progresses, they may leave for a short time, but if it escalates and affects their children, they may seek a permanent separation.<sup>540</sup> A number of participants (almost half) noted that they had considered leaving their abusive husbands and households when they were younger. This is also illustrated by the stories of Nigora and Nina. Hare, in her study of victims' perceptions of accessing the justice system in the US concludes that, as the age of the victims increased, their interest in going to court decreased.<sup>541</sup>

Women's experiences in other societies show that women who leave abusive relationships face challenges in terms of securing employment or housing for

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<sup>537</sup> See, for instance, Strube, J. and L. Barbour. 1984. "Factors Related to the Decision to Leave an Abusive Relationship", *Journal of Marriage and Family*, Vol. 46, No4, pp. 837-844; Enander, V. 2010. "A Fool to Keep Staying': Battered Women Labelling Themselves Stupid as An Expression of Gendered Shame", *Violence Against Women*, Vol. 16, No1, pp. 5-31; Bell, E., L. Goodman and M. Dutton. 2007. "The Dynamics of Staying and Leaving: Implication for Battered Women's Emotional Well-being and Experiences of Violence at the End of a Year", *Journal of Family Violence*, Vol. 22, No6, pp. 413-428.

<sup>538</sup> Hoff, L. A. 1990. *Battered Women as Survivors*, London: Routledge.

<sup>539</sup> Bell, *et. al.*, 2007.

<sup>540</sup> Ellsberg, W., R. Pena and H. Stenlund. 2001. "Women's Strategic Responses to Violence in Nicaragua", *Journal of Epidemiology and Community Health*, Vol. 55, No8, pp. 547-555.

<sup>541</sup> Hare, C. 2010. "Intimate Partner Violence: Victims' Opinions About Going to Trial", *Journal of Family Violence*, Vol. 25, pp. 765-776.

themselves.<sup>542</sup> In the context of Tajikistan this is relevant to women victims of not only spousal battering or violence by conjugal family members but also the victims of violence committed by direct family members since girls and women experience violence not only from the hands of husbands and mothers-in-law but other relatives too.

The only option women who experience violence from the conjugal family have is to return to their parents' house.<sup>543</sup> If they return to their parents' house, their parents may be unwilling or unable to accommodate them together with their children. Among other factors, dowries (bride price) play a significant role, although this varies from one ethnic group to another. The ethnic groups in Tajikistan among whom paying a significant dowry (*kalyn*) is common practice are less likely to welcome their daughters back home, even if they are aware that they are being subjected to severe beatings. This is also combined with societal expectations and cultural norms which may disapprove of but accept the battering of wives.

The stories presented in this study indicate that, apart from the strong disapproval of society of divorce, economic dependency too plays a significant role. In those cases where a woman returns to her parents' house, she faces other challenges. The woman and her children will have to share with her parents and brother/s and their families. There is a stigma attached to a separated or divorced woman, which also reflects badly on the woman's natal family and the men-folk. Nigora mentions that, when she was living in her parents' house, her oldest brother kept telling her:

“For how long are you going to stay here? Go to your husband, or are you going to stay a *bechor/beva* [a separated or divorced woman but, used in a negative sense, an insult], don't shame us”.<sup>544</sup>

If there is a chance to reconcile the couple, her family would 'persuade' the woman to reconcile. The preservation of the family is more significant than the well-being and

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<sup>542</sup> Logan, K and R. Walker. 2004. "Separation as a Risk Factor For Victims of Intimate Partner Violence: Beyond Lethality and Injury, A Response to Campbell", *Journal of Interpersonal Violence*, Vol.19, No12, pp. 1478-1486.

<sup>543</sup> Hegland's work also demonstrates that this practice of returning to the parents' house is also common in Iranian culture. Hegland, M. 1999. "Wife Abuse and the Political System: A Middle Eastern Case Study", pp. 234-251, p. 237.

<sup>544</sup> Interviewee F18.



safety of girls and women; hence the focus on reconciliation. A woman feels pressure from her family and the wider community to solve any disputes internally and, in cases of separation, to reconcile. However, the willingness of the woman may not be enough for a reconciliation to occur; her husband and/or his relatives have to approve and be willing to reconcile the couple. Ideally, the woman must wait for her husband or his relatives to come (even if it was her decision to leave him for a short period) and take her back to her husband's house. Gulnora, Nigora and Jamila have done this several times. The woman cannot, on her own initiative, return, even if the situation in her parents' home becomes unbearable for herself and her children. Jamila had to leave her husband's house following a serious argument with her mother-in-law. Jamila used offensive language and swearwords against her mother-in-law, after the latter called Jamila's brothers alcoholics. When her husband returned home, he was told what had happened and he could not forgive Jamila. Jamila was reluctant to return to her parents' house, because she had done so several times before and knew what was awaiting her. Nevertheless, she went there, as she had nowhere else to go and took her daughter with her, while her son stayed with his father.

'I didn't want to come back here, because my brother's wife does not like me being here. She is very disrespectful towards my parents, she does not cook for them, does not clean the house properly. My father is blind and needs constant support and care, but she does not care, even though she does not work and stays at home all day. I had to come back. I have no other place to go. I work at a hospital in the kitchen and try to collect whatever I can and bring it home, so that they don't say I am a burden. The good part is that, when I am on a shift, I stay for three days at the hospital without having to return. But I worry about my daughter. Although I could leave her there [at her husband's house], I didn't want to ... they will turn her against me. I know that my *xiyon* [brother's wife] will not get along with my daughter [13 years old]. I was right. Every time I returned home, they had had an argument and then my mother got involved as well, to protect my daughter from the wife, and my brother got involved supporting his wife. He told me I came there and I am stirring everything up, causing tension between my mother and his wife. I wish I could go away, I wish I could return to my husband's house, but he is planning to get married. I thought maybe he or his mother would come for me, but it does not seem like they are. It would have been nice to return there ... at least, I would have had my own place'.<sup>545</sup>

On previous occasions, her mother-in-law came and took Jamila back home, but this has not happened this time yet. Jamila's story is not exceptional and reflects the stories of many of the other women who participated in this study. Since it is the woman who

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<sup>545</sup> Interviewee F13.

usually goes to her husband's house on marriage, upon separation or divorce, it is usually the woman who has to leave and hence face difficulties in finding a place to stay.

Women return to their parents' house for a certain period of time. After the situation defuses, they expect their husband or his family members to come for them. Living in her parents' house after separation or divorce, the woman does not feel equal to others. She may be seen or may consider herself to be a burden and therefore may wish to return to her husband and his family.

As discussed in chapter 3, parents do not consider providing their daughters with housing. Many girls and women feel the need to marry someone as the only way to have their own place that is separate from their natal families, even if they have to share it with their *jamat* (their husband's family members). Similarly, reconciliation with their husbands gives them a chance to have a place in which there is a chance over the years to strengthen their position and status within the family, and finally replace their mother-in-law.

Gulangez's story presented in Chapter 1 (Introduction), along with the other stories presented in this study, demonstrates the ways in which women seek resolution when tolerating the situation becomes impossible. Gulangez lived alone with her husband, separate from her in-laws. Violence occurs behind closed doors.<sup>546</sup> The risk of severe forms of physical violence increases for women in the nuclear family, living separate from their extended family. Acknowledging that the presence of a family member reduces the risk of being hit again, Gulangez asked her brother to stay with them for a while. Clearly, this is only a temporary relief and it is very likely that, once the brother leaves and if a 'reason' arises, the husband may repeat his behaviour. The presence of a family member in a household is vital for ensuring the safety and wellbeing of the household and its members. Gulangez's husband continued to live in Gulangez's house and kept telling her that he would leave after he had sorted out some of his problems. They continued to live in the same house. After a few days, Gulangez had had the time to think things through

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<sup>546</sup> Pizzey, 1979.

and stopped insisting on her husband leaving the house. Gulangez was worried about what people would say because her sister's husband had left her and divorced her, and if she was left without a husband people would say things about their family, such as they could not keep their husbands and families together, and that they were to blame because it was in their *zot* (ancestry). Gulangez tries to convince herself that it is better to stay with him for the sake of children and avoid the gossip that would follow if they separate or divorce. After her unsuccessful resistance of her husband, he became convinced that she would not force him to leave. This gave him the power to control her every movement. After his return, Gulangez's husband started checking her mobile phone and listening to all her conversations. Gulangez believes it is better and safer to do as her husband wishes and not to outrage him. Kirkwood observes that resisting violence may lead to an increase in the severity of violence.<sup>547</sup> Submitting to the demands of a violent husband is a form of short term coping mechanism.

#### **4.6. Women as Perpetrators of VAW**

A mother-in-law's role is also recognized in coercing or perpetrating violence on wives in Tajikistan.<sup>548</sup> It has also been recognized that in extended families violence can be perpetrated by female members pursuing males' interests.<sup>549</sup> Quite often middle-aged women are portrayed as 'terrorizers' of daughters-in-law.<sup>550</sup> Similar trends are noticeable in the Tajik context. This is also supported by the findings of this study, however during this study it has also become apparent that in addition to mothers-in-law and husbands, there are other family members (natal families) who also subject girls and women to physical and psychological abuse, including mothers, fathers, sisters, brothers. However, these parties are not regarded as 'perpetrators' because of the strong social acceptance of

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<sup>547</sup> Kirkwood, C. 1993. *Leaving Abusive Partners*, London: Sage, pp. 63-73.

<sup>548</sup> Polygamy report, 2002; Haarr, 2006; 2007; Haarr, R. 2005. "Violence Against Women in Marriage: A General Population Study in Khatlon Oblast, Tajikistan", Project to Reduce Violence against Women (PROVAW) in Tajikistan, Swiss Cooperation Office, Tajikistan; WHO 2000.

<sup>549</sup> United Nations Centre for Social Development and Humanitarian Affairs. 1989. *Violence Against Women in the Family*, New York: United Nations.

<sup>550</sup> Sacks, B. 1992. "Introduction: New Views of Middle-Aged Women", in Kerns V. and J. K. Brown (Eds.) *In Her Prime: New Views of Middle-Aged Women*, 2<sup>nd</sup> Ed., p. 1.

such behaviour. This societal approval prevents victims of such violence understanding that what is happening to them is not acceptable despite their relation to the 'perpetrator'. Interestingly, NGOs do not seem to address violence from natal family members in their initiatives, but instead focus on mothers-in-law's roles in VAW. This is perhaps due to the antagonism between mothers-in-law and daughters-in-law which is also present in Tajikistan. The tension among mothers-in-law and daughters-in-law is widely recognized and is regarded as part of a marital life. Usually men do not want to interfere or 'come between' their wives and mothers and sisters. A municipal police investigator (with eight years' experience) notes:

'Women [mother-in-law, sister-in-law, wife] should solve their disputes among themselves and not involve the man in their disputes. Tensions between mother-in-law and wife have always existed. But the wife who makes him choose between his wife and his mother is the worst kind. I know some men whose wives did that to them and they ignored their mothers, in the end nothing good came out of it.'<sup>551</sup>

Studies from other countries also observe the presence of antagonism among mothers-in-law and daughters-in-law. Sacks in a cross-cultural study suggests that the antagonism between mothers-in-law and brides, particularly among agrarian peasantries, works efficiently to preserve patriarchal power.<sup>552</sup> She notes that if this antagonism did not exist and if mothers-in-law and brides were in a position to collude, their 'enormous economically destructive potential' would seriously threaten patriarchal power'.<sup>553</sup> The practical reason behind the desire of mothers-in-law to keep their daughters-in-law in a subordinate position may lie in access to resources. When in-laws rely on their son's income, it is in their interests to keep their daughter-in-law cowed and submissive, and excluded from the decision-making process.<sup>554</sup> In Tajikistan, wives are believed to use their position as wives to alter the loyalty of their husbands, resulting in an ongoing tension between mothers-in-law, sisters-in-law and their daughters-in-law as the data suggests. Quite often during interviews it came out that although it is believed to be the

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<sup>551</sup> Interviewee MJS12.

<sup>552</sup> Sacks, B. 1992. "Introduction: New Views of Middle-Aged Women", in Kerns V. and J. K. Brown (Eds.), *In Her Prime: New Views of Middle-Aged Women*, 2<sup>nd</sup> Ed., pp. 1-6, p. 5

<sup>553</sup> *Ibid.*

<sup>554</sup> Hegland, 1999, p. 246.

duty of sons to look after and supply them with resources, daughters are perceived to be more caring towards their parents or natal family in general. As a result, when a young girl or a woman is married she may use some of her own and her husband's income to assist her parents which creates a tension within her conjugal family over access to their son's or even the wife's income. Modavlat explained that her daughter-in-law does not buy anything for the house even though she works (and not her husband); it is Modavlat who uses her pension and her husband's pension to buy food and other necessities for the family whereas her daughter-in-law uses her money to pay off her sister's debt. Frequently parents are in competition with the bride/wife over their sons and the resources their sons provide. Men are expected to provide household (material) resources.

Women are in charge of the household and decide how to manage these resources. Every member of the family is expected to contribute, especially male members. Therefore, a newlywed bride is considered a threat, as the groom may take the resources he provides (or part of them) to his bride's family. Thus, mothers-in-law need to secure their son's loyalty and ensure that resources stay with the family. Hegland adds that as women grow older they learn to manipulate other people as a way of gaining power, and that their 'most precious resources were their sons'.<sup>555</sup> Gallin reports that wife abuse is triggered by 'a mother's fear that her son's wife would alienate him from her and would relegate her to an old age fraught with insecurity and loneliness'.<sup>556</sup> She further states that 'in the absence of a well-developed social security system women's attempts to ensure the support of others in their old age underlie wife abuse'.<sup>557</sup> Gallin reports on the use of violence by mothers-in-law particularly in the early years of marriage against a newlywed bride or young wife.<sup>558</sup> Gallin further explains that this ill-treatment is used in order to 'break' a newcomer into the ways of the home.<sup>559</sup> Campbell in this respect notes that other women (particularly mothers-in-law and other wives) inflict violence on other women in order

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<sup>555</sup> Hegland, 1999, p. 246.

<sup>556</sup> Gallin, R. 1999. "Wife Abuse in the Context of Development and Change: A Case from Taiwan", in Counts, *et.al.* pp. 252-260, p. 258.

<sup>557</sup> *Ibid.*

<sup>558</sup> *Ibid.*

<sup>559</sup> *Ibid.*

to gain some ‘modicum of personal power’.<sup>560</sup> Brown notes that an increase in power in middle age is universal for women and by no means always accompanied by use of violence.<sup>561</sup>

This study’s findings demonstrate that the terms perpetrators and victims are not static and change over time. However, this issue is not addressed by the state and NGOs working on the issue of VAW in the country. It is likely that female ‘victims’ become ‘perpetrators’ as they age. Women’s attitudes to violence from husbands and mothers-in-law change when they become mothers-in-law (or sisters-in-law). It also depends on their relations to the perpetrator and the victim. For instance, this study’s findings demonstrate that women’s perception about the role of mothers-in-law depends on who they talk about. Most women participants do not consider their own mothers to fit in the category of ‘traditional’ or ‘usual’ mothers-in-law in their relations with their daughters-in-law and believe their own mothers are ‘too soft’ with their daughters-in-law. For instance, Jamila<sup>562</sup> believed that her mother was not like her mother-in-law and was too soft with her daughter-in-law while Jamila was very critical of her own mother-in-law. Jamila was also critical of her sister-in-law for not doing the housework properly and not looking after Jamila’s parents.

Almost all women participants of this study talked about their mothers-in-law’s negative attitude towards them as daughters-in-law and ‘interference’ or coercion of their sisters-in-laws in their relations with their husbands. None of them directly talked about their mothers or sisters ‘negative’ attitude towards them. Quite often the role of other women such as mothers and elder sisters is disregarded despite their role in maintaining the traditional norms (an example is Shahnoz’s story in Chapter 3). As the stories in the previous chapter suggest, mothers and sisters carry the duty to ensure the adherence of younger girls and women to social expectations. The age and gender based hierarchic structure within a family puts younger girls under the control of their elder siblings

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<sup>560</sup> Campbell, 1999, p. 268.

<sup>561</sup> Brown J. 1992. “Lives of Middle-Aged Women”, in Kerns V. and J. Brown (Eds.), *New Views of Middle-Aged Women*, 2<sup>nd</sup> Edition, University of Illinois Press, pp. 17-34.

<sup>562</sup> Interviewee F13.

(though younger brothers have more authority and may exercise control over their elder sisters) and parents. A young girl is regarded as the responsibility of the mother, who is under an obligation to secure the girl's compliance with societal norms, so as to avoid damaging her reputation and the honour of the family. The better they teach their daughters to comply with their gender role expectations the less possibility there will be that their daughters will be subjected to violence.

#### **4.7. Conclusion**

VAW in Tajikistan is made problematic by a range of interacting features including the lack of reliable prevalence data, lack of understanding and problematic definitions. The introduction of the notion of 'domestic violence' by NGOs has not helped towards a full understanding of VAW in Tajikistan. The concept only captures a limited part of women's experience in the country and leads to inadequate institutional responses (discussed in chapters 5 and 6). The lack of a proper definition creates a problem of determining what falls within VAW and uncertainty. It creates a problem for those involved in eradication of VAW and the wider public to determine what counts as VAW.

Violence against women can be seen as constitutive of the social order even when women's economic position changes. This violence can start with the control of girls by mothers to ensure they comply with the existing gender norms. The central motivation for this high level of control is the need to uphold family and the girl's respectability as a prerequisite for marriage. During marriage it is often the mother-in-law who will coerce or perpetrate violence against a daughter-in-law primarily to maintain economic power relationships, ensure the loyalty of her family members and to maintain the 'good' name of the family. This is within a culture where family members share social and economic responsibilities and the individual is expected to serve the interests of the family.

## 5. The Use and Limitations of Law in Response to VAW in Tajikistan

### 5.1. Introduction

Laws do not function in isolation. The enactments of laws have an impact upon and are dependent upon the wider political, cultural and social contexts.<sup>563</sup> This chapter outlines the laws in relation to VAW and explores the use of these laws in practice. It demonstrates that the current laws could be applied in cases of VAW however legal officers' biased perceptions of VAW shape and constrain their actions in relation to VAW. This chapter also investigates whether the legal provisions and their application serve women's needs and interests. This chapter aims to highlight the multiple obstacles that hinder women's access to justice system.

### 5.2. The Current Law on VAW

The government provides that there are no 'laws or legal-and-regulatory acts that permit discrimination against women in the country ... Law specifies measures targeting violations of human rights, cruel physical or mental treatment'.<sup>564</sup> Tajikistan is not the only country that aims to use its existing laws to deal with VAW in response to its obligation under the CEDAW. Harne and Radford study how the UK has applied existing criminal law provisions to domestic violence incidents.<sup>565</sup> Harne and Radford identify one of the challenges in the UK criminal law with this approach is adopting the legislation to respond to domestic violence cases that historically primarily dealt with the problem of stranger violence and public order.<sup>566</sup> In the specific context of Tajikistan the laws

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<sup>563</sup> Romkens, R. 2008. "Law as a Trojan Horse: Unintended Consequences of Rights-Based Interventions to Support Battered Women" in M. Freeman (Ed.) *Domestic Violence*, Hampshire: Ashgate Publishing Limited, pp. 145-170, p. 147.

<sup>564</sup> CEDAW//C//TJK/1-3, Article 2 (a-c), pp. 7-8.

<sup>565</sup> Harne, L. and J. Radford. 2008. *Tackling Domestic Violence: Theories, Policies and Practice*, Berkshire, Open University Press, pp. 21-31.

<sup>566</sup> *Ibid.*



introduced by the Soviets were to protect women from strangers and from family members if the latter obstructed women's attempt to exercise their socio-economic and political rights (discussed in chapter 3.2.1.2).<sup>567</sup> However, as is established in chapter 3 there is little evidence that these laws were applied to protect women in 'private' matters exactly because they were continued to be regarded as 'private' matters.

Indeed, Western feminists' scholarship engaged rigorously in the discussion whether the law should be used to address the violence women experience. These studies are useful to observe similar patterns in Tajikistan where the law was used by the Soviet Union to address women's inequality in the society. The Soviets criminalized physical and sexual violence against women but it seems that this action did not result in major transformation as discussed in chapter 3 (3.2.1.2).<sup>568</sup> This issue whether the law can address effectively women's interests is discussed in the work of Lewis and colleagues. They discuss the ability of the law to adequately respond and address women's needs, prevent repeated and future violence.<sup>569</sup> Olsen sees the existence of the laws as a statement of social disapproval of certain forms of exploitation, which to some extent reduces abuse and victimization.<sup>570</sup> The soviet Criminal Code of 1961 may be a manifestation of social disapproval of exploitation of women in Tajikistan, and it may have reduced the level of abuse and victimisation, but the lack of data from that period unfortunately does not either prove or disprove this case. There is anecdotal evidence that the number of forced and underage marriages was reduced during the reign of the Soviet Union, as was the number of young girls committing self-immolation.<sup>571</sup>

What is clear though, is that criminalising certain acts that prevented women from exercising their rights, did not in itself result in major transformation of societal attitudes

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<sup>567</sup> Art 130, 131, 132, 134, 142, Criminal Code of the Soviet Republic of Tajikistan, 1961.

<sup>568</sup> Art. 130, 131, 132, 134, 142 of the Criminal Code of Tajikistan, 1961..

<sup>569</sup> Lewis, R., E. Dobash, R. Dobash and K. Cavanagh. 2001. "Law's Progressive Potential: The Value of Engagement with the Law for Domestic Violence", *Social Legal Studies*, Vol. 10, pp. 105-130.

<sup>570</sup> Olsen, F. 1991. "Statutory Rape: A Feminist Critique of Rights Analysis [1984]" in *Feminist Legal Theory: Readings in Law and Gender*, K. Bartlett, and R. Kennedy (Eds.), pp. 305-317. Oxford: Westview, p. 306

<sup>571</sup> Akiner, 1997.

to such acts. With the collapse of the Soviet Union, a rapid decline in the position of women in society has been reported.<sup>572</sup> As the data of this thesis suggests, VAW is not regarded by the Tajik society as a criminal offence. The presence of laws that could be applied in cases of VAW, to protect women, does not guarantee their implementation.

Smart focuses on the family law in the UK because she sees the family as a major place of oppression of women. Smart observes that although the law in the UK has changed and is designed to benefit women, there is still a tension since women remain economically and socially subordinate to men, therefore, the law reflects this subordination.<sup>573</sup> She argues that the law can facilitate reproduction of dominant patriarchal values.<sup>574</sup> The values that keep women dependent on men and encourage their 'feminine' qualities, such as childrearing can be reflected in the law<sup>575</sup> which is relevant to the ways the law is presented in Tajikistan. However, law can be changed. Hart argues that it is possible to change the law in a way to provide women with safety and freedom.<sup>576</sup> Civil or criminal laws can play a positive role for abused women if the law and legal interventions are examined from the perspective of those who use it, i.e. victims.<sup>577</sup>

Clearly law may provide certain benefits to women, however, there may be issues in terms of its enforcement by those responsible for implementing the law. In connection with this, Edwards addresses the issue of the legal and policing response to gendered violence by known male partners in the context of wider policing and law and order debates.<sup>578</sup> Edwards contends that in the process of applying the law, individuals bring to it particular perceptions and attitudes, such that its application becomes selective and

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<sup>572</sup> *Amnesty International*. 2009. "Violence is not Just A Family Affair: Women Face Abuse in Tajikistan", Stop Violence Against Women, London: Amnesty International Publications.

<sup>573</sup> Smart, C. 1984. *The Ties That Bind: Law, Marriage and The Reproduction of Patriarchal Relations*, London, New York: Routledge.

<sup>574</sup> *Ibid.*

<sup>575</sup> Smart, 1984.

<sup>576</sup> Hart, B. 1996. "Battered Women and the Criminal Justice System" in E. Buzawa and C. Buzawa (Eds.) *Do Arrests and Restraining Orders Work?* SAGE Publications: London, New Delhi: Barata, pp. 98-114.

<sup>577</sup> Jordan, C. 2008. "Intimate Partner Violence and the Justice System", in M. Freeman, (Ed.), *Domestic Violence*, pp. 121-144.

<sup>578</sup> Edwards, S. 1989. *Policing 'Domestic' Violence: Women, the Law and the State*, London: SAGE Publications.

inconsistent.<sup>579</sup> Developing appropriate laws is a significant step forward, however, it alone seldom changes human's behaviour. Improving the law to respond adequately to domestic violence and dealing with individual perpetrators 'may alleviate a symptom, but it will not destroy the underlying infection'.<sup>580</sup>

Against this background, this study's findings demonstrate that in context of Tajikistan the law provides some form of protection, however, women are not able to benefit from it, most of all because women's subordination in society is not challenged or changed without which the legislation cannot be really effective. In addition, women are clearly influenced by the way police and courts approach VAW. The enforcement of the law at every stage, from the start to the end is impeded by the attitudes based on traditional values of justice system officers (as is shown below).

Since its independence in the early 1990s Tajikistan's legal system has undergone a number of reforms. The amended Constitution provides both men and women with equal human and civil rights.<sup>581</sup> Tajikistan's legal system continues to be based on the legal system left behind by the Soviet Union until very recently with some amendments introduced after the 1990s.

There is currently no separate law on domestic violence in Tajikistan. Contrary to the Tajik government, some NGOs still claim that a separate law on domestic violence is required to prevent and protect women from violence.<sup>582</sup> Those NGOs in favour of a separate law on domestic violence argue that the current legal system does not protect

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<sup>579</sup> Edwards, 1989.

<sup>580</sup> Harris-Short, S. and J. Miles. 2007. *Family Law: Text, Cases, and Materials*, Oxford: Oxford University Press, p. 268.

<sup>581</sup> Article 17: 'All are equal before the law and the courts. The state guarantees the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, social status, knowledge and property. Men and women have the same rights'; Article 33: '... In marriage and in divorce, husband and wife have equal rights', Constitution of the Republic of Tajikistan (adopted Nov. 6, 1994, last amended June 22, 2003).

<sup>582</sup> Interview with a legal advisor of the NGO *League of Women Lawyers*, Interviewee FCS4.

against mental violence despite the fact that many women are subjected to it.<sup>583</sup> In 2003 the NGO *Women League of Lawyers* together with the assistance of OSCE CiD drafted a law on domestic violence. This law was under review in *Majlisi Oli* (parliament) and was not passed, despite the president's personal call for 'careful consideration' of the law.<sup>584</sup> The Justice Minister in an interview with the Institute for War and Peace Reporting (IWPR) stated that one of the reasons the law was not passed was because 'there was some duplication with the existing laws'.<sup>585</sup> He further added that the law would have passed if changes were made, however, 'the government-run women's affairs committee had never responded to a report his ministry sent concerning the problems with the draft law'.<sup>586</sup> The deputy head of the Committee on women and Family Affairs commented that her office did not pressure for the draft law on domestic violence to be adopted because they did not think it was 'in our mentality'.<sup>587</sup> The 'Tajik' or 'different mentality' in Tajikistan is often used to explain the reason behind the reluctance of the wider public to make use of the law and even in their struggle directed at the eradication of VAW by those people involved in dealing with the issue of VAW.

It is significant that drafters provide definitions of physical, psychological, economic and sexual assault.<sup>588</sup> However, these definitions are similar to the articles in the Criminal

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<sup>583</sup> Interview with FCS4, FCS6. The draft law provides that 'psychological family violence shall mean violence associate with impact on the mind of one family member by another family member through verbal insult or threat to cause physical or sexual violence to that family member or to his/her relatives; pursuit, intimidation, that cause emotional diffidence, inability to protect himself/herself and thus causing or may cause damage to mental health', Art. 2, Draft Law of the Republic of Tajikistan 'On Protection From Family Violence'.

<sup>584</sup> Kurbanova, M. "Domestic Violence Bill Stalled in Tajikistan", 17 October, 2010 available at <http://iwpr.net/report-news/domestic-violence-bill-stalled-tajikistan.article> last checked 10 March 2011.

<sup>585</sup> *Ibid.*

<sup>586</sup> *Ibid.*

<sup>587</sup> *Ibid.*

<sup>588</sup> Art. 2 of the Draft Law, para 2, *Law of the Republic of Tajikistan 'On Protection From Family Violence'*, available at <http://www.untj.org/index.php/country-context/coordination-mechanisms/gender/national-gender-related-equality-policies-and-laws>, last checked 20 December 2011.

Code with only one difference that is it places them in the context of family.<sup>589</sup> In each definition the word ‘family’ is added. Apart from that the definitions provided in the draft law are consistent with the definitions of sexual, physical, verbal, psychological assault already contained in the Criminal Code. Certainly, there is a need for a clear or working definition of VAW which would provide a space to include the different experiences of girls and women, however, there does not seem to be a need for a separate law which simply provides similar definitions already present in the Criminal Code, and specifying the context of the assault. The draft law defines ‘family’ in the following way ‘family shall mean the association of people living together and connected with mutual rights and responsibilities resulting from marriage, relationship, adoption or any other form of putting children into the family, as well as the association based on marriage (actual) not registered in the bodies for registration of civil status acts, as well as persons who are family members if they continue living together after termination of marriage’.<sup>590</sup> Clearly, this definition of family narrows down the cases that this law could be applied for. For one thing this limited definition ignores violence that occurs after separation, when a

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<sup>589</sup> Art. 2, para 2: family violence shall mean any violent action of sexual, physical, psychological, economic nature and (or) threat of their commitment in the area of family and domestic relations, if those actions break legal rights and freedom of family members and cause damage to their physical and psychological health; para 3: sexual family violence shall mean violent actions of one family member against another family member which are expressed in sexual harrassments, pretensions, suppression of sexual needs, forcing (canvassing) to unwilling pregnancy, infringing on sexual inviolability or sexual freedom of another family member, as well as other violent actions of sexual nature with regard to a family member under age; para 4: physical family violence shall mean violent actions through beating of one family member by another family member, through causing physical pain or depriving of food, warmth; causing damage to health through physical force that could cause or caused death of the victim, as well as causing damage to his/her honour and dignity; para 5: mental family violence shall mean violence associated with impact on the mentality of one family member by another family member through verbal insult or threat to cause physical or sexual violence to that family member or to his/her relatives; pursuit, intimidation, that cause emotional diffidence, inability to protect himself/herself and thus causing or may cause damage to mental health; para 6: economic family violence shall mean deprivation by one family member of another dependant family member of lodging or other property or funds on which the victim has legal right, as well as deprivation of other normal conditions that may cause damage to physical or mental health of the dependant family member and entail other unfavourable conditions; para: 7 family with unfavourable condition shall mean a family where facts of violence or threat of use of violence take place on a regular (systematic) manner. The Draft Law, Art. 2, *Law of the Republic of Tajikistan ‘On Protection From Family Violence’*, available at <http://www.untj.org/index.php/country-context/coordination-mechanisms/gender/national-gender-related-equality-policies-and-laws>, last checked 25.04.2012.

<sup>590</sup> The Draft Law, Art. 2, *Law of the Republic of Tajikistan ‘On Protection From Family Violence’*, available at <http://www.untj.org/index.php/country-context/coordination-mechanisms/gender/national-gender-related-equality-policies-and-laws>, last checked 20 December 2011.

couple stops living together, as Lailo's story below demonstrates.

Although the articles in the Criminal Code do not make specific reference to family, they do not exclude incidents of a violent nature that occur in the family, hence, can be applied to incidents of VAW within the family context. If a separate law is going to be adopted careful consideration is required to ensure that different possibilities of women's experiences of violence are taken into account. It seems that the adoption of a separate law on domestic violence may not benefit women as long as women's subordinate position continues to be present in the social relations. It is unlikely that much can be achieved through introducing a separate new law. If the enforcement of these laws is not addressed effectively, neither the existing laws nor the new law would be taken seriously.

In addition, a great deal of Western feminist research critiques the justice system response to VAW and whether it serves the interests of victims in their search for justice<sup>591</sup> which is currently absent in the discourse on VAW in Tajikistan. Neither the state nor the NGOs in Tajikistan addressed the issue whether the justice system acts in the best interests of victims given that victims' needs vary.

The existing criminal system covers bodily harm (intentional minor to severe),<sup>592</sup> homicide,<sup>593</sup> being driven to commit suicide,<sup>594</sup> rape<sup>595</sup> and forcible acts of a sexual

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<sup>591</sup> For instance, see Robinson, A. L. 2007. "Improving the Civil-Criminal Interface for Victims of Domestic Violence" *The Howard Journal* Vol.46, No4, pp. 356-371. Robinson examines the usefulness and effectiveness of attempts made to have women victims of domestic violence cases, who may have to go through civil and criminal courts, to be dealt with in the same court to reduce the time and complications of going through different/separate courts and the affect this may have on women and their children; Barata, P. C. 2007. "Abused Women's Perspectives on the Criminal Justice System's Response to Domestic Violence" in *Psychology of Women Quarterly*, Vol. 31, pp. 202-215. Barata's study assesses victims' attitudes to the criminal justice system. The findings demonstrate that although many women are willing to use the criminal justice system, there are still a number of challenges they have to face. The study concluded that the system's division of victims into cooperative and non-cooperative stigmatises victims further and disconnects them from the system; Jordan, C. 2008. "Intimate Partner Violence and the Justice System: An Examination of the Interface" in M. Freeman (Ed.) *Domestic Violence*, Hampshire: Ashgate, pp. 106-121; Jordan explores the experiences of victims of intimate partner violence in seeking or not seeking justice and the factors that influence women's decisions; Pepinsky, H. 1984. "Better Living through Police Discretion" in *Law and Contemporary Problems*, Vol. 47, (Autumn), pp. 249-267; Herman, J. L. 2008. "Justice from the Victim's Perspective", in Freeman (Ed.), *Domestic Violence*, pp. 199-230.

<sup>592</sup> Art. 110-115 of the Criminal Code of Tajikistan. Punishment for these offences range from fine to imprisonment from 2-15 years.

<sup>593</sup> Art. 104, Criminal Code of Tajikistan.

character.<sup>596</sup> Assault<sup>597</sup> and insult<sup>598</sup> are also criminal offences, along with compulsion to abortion.<sup>599</sup> Therefore, these provisions provide a chance to report and seek justice for physical assault of various levels, threat, verbal and psychological assault. So the question is why are there no reports or very few of such nature, particularly in relation to girls and women?

### 5.3. Reporting and Policing of VAW

#### 5.3.1. 'Police Officers are Men Too': Police Attitude to Cases of VAW

The police are the first stage in seeking official intervention. For many women particularly those who seek legal redress for the first time, the only known point of accessing the criminal justice system is through the police.<sup>600</sup> Police intervention and their inadequate responses influenced by their biased approach to VAW are discussed

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<sup>594</sup> Art. 109 (1) Driving to suicide an individual or attempt to suicide by threat, cruel treatment, or systematically degrading the dignity of a victim is punishable by imprisonment for a period of 3-5 years. Similarly if these actions are committed with regard to a person who is financially or otherwise dependent on the guilty person, or a minor is punishable by imprisonment from 5-8 years. Art. 109(2). The Criminal Code of Tajikistan, 1998.

<sup>595</sup> Rape is presumed (by society and people) to be committed by strangers although the law does not make any specific reference to it. Art. 138: Rape, that is sexual intercourse using force or with the threat of force towards the victim or other persons, or using the helpless condition of the victim, is punishable by deprivation of freedom for a period of 3 to 7 years. The Criminal Code of Tajikistan.

<sup>596</sup> Art. 139, Forcible Actions of Sexual Character (1) Homosexuality or lesbianism or satisfaction of sexual desire using force or threat towards victim or other persons, or using the helpless condition of the victim, is punishable by imprisonment for a period of 5 to 7 years; (2) same actions (c) committed with extreme brutality in relation to the victim or other persons punishable by deprivation of freedom for 8 to 12 years; (3) same actions committed towards a close relative, are punishable by deprivation of freedom for 10 to 15 years.

<sup>597</sup> Article 116 on Assault or committing other actions of violence which caused a physical pain, but did not lead to consequences specified in Article 112 (Intentional Bodily Injury of Lesser Degree) are punishable by a fine of up to 300 times the minimum monthly wage, or up to 3 months of confinement. Criminal Code of Tajikistan.

<sup>598</sup> Article 136 (1) Insult, that is abasement of honour and dignity, expressed in an indecent way, is punishable by a fine in the amount of up to 200 times the minimum monthly wage, or up to 1 year of correctional labour. Criminal Code of Tajikistan.

<sup>599</sup> Article 124.

<sup>600</sup> Ford, D. A. 1983. "Wife Battery and Criminal Justice: A Study of Victim Decision-Making", *Family Relations*, Vol. 32, No4, (October), pp. 463-475, pp. 464-465.

thoroughly in a number of works.<sup>601</sup> Dobash and Dobash's study demonstrates that in a patriarchal society it was quite common to chastise women and children. Their work show that in the UK men held the right to chastise their wives and children.<sup>602</sup> Dobash and Dobash further note in their study historically, legal and traditional practices granted a man the right to chastise his wife and children<sup>603</sup> but, even when this law was abolished, the situation did not improve with regard to responding adequately to such cases.<sup>604</sup> Implementation remained a major concern since the justice system personnel were unable or unwilling to intervene in what was traditionally perceived as a 'family affair'.<sup>605</sup> This traditional attitude towards VAW continued to exist until very recently and was mirrored in the work of police officers in dealing with and handling spousal violence.<sup>606</sup> Domestic violence was believed to be a 'family matter' where interference could make the situation worse and lead to the breakage of the family.<sup>607</sup> The concept of 'privacy' applied in the cases of domestic violence, which contributed to the persistence of it, is regarded as the 'product of deep-seated, patriarchal ideology, present throughout the law and society'.<sup>608</sup> Similarly, in the context of Tajikistan where historically religious law provided men with the right to beat their wives<sup>609</sup> abolition of this right by the soviet legal system did not result in effective implementation of the laws prohibiting violence against women (chapter 3.2.1.2 discusses the specific laws prohibiting VAW under the Soviet legal system).

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<sup>601</sup> See Bourlet, A. 1990. *Police Intervention in Marital Violence*, Buckingham: Open University Press; Dobash and Dobash, 1980; Dobash, E. and R. Dobash. 2000. "Evaluating Criminal Justice Interventions for Domestic Violence", *Crime and Delinquency*, Vol. 46, pp. 252-270; Hoyle, C. and A. Sanders. 2000. "Police Response to Domestic Violence: From Victim Choice to Victim Empowerment?", *British Journal of Criminology*, Vol. 40, pp. 14-36.

<sup>602</sup> Dobash and Dobash, 1980.

<sup>603</sup> Dobash and Dobash, 1980. They discuss the principle of coverture which viewed a wife and husband as a single entity, which made it difficult for wives to take their husbands to court for an offence since it was regarded as illogical and impossible for someone to offend against himself. p. 208.

<sup>604</sup> Edwards, 1989.

<sup>605</sup> Dobash and Dobash, 1980; Bourlet, 1990;

<sup>606</sup> Hague and Malos, 1998.

<sup>607</sup> Bourlet, A. R. 1990. *Police Intervention in Marital Violence*, Buckingham: Open University Press, p-14-16.

<sup>608</sup> Harris-Short and Miles, 2007, p. 267

<sup>609</sup> Quran verse 34 allows beating of a wife, *supra* note 170.



Dobash and Dobash argue that patriarchal norms approving violence towards wives also shape police officers' personal and individual beliefs about what are appropriate relationships between men and women, husbands and wives.<sup>610</sup> Their individual and professional prejudices about marital violence produce inadequate responses to domestic violence. Similarly, the findings of this study also suggest that police officers are part of the society and the societal and traditional norms about family relations reflect in their attitudes towards VAW. A number of police officers interviewed for this study clearly stated that a 'young girl or a woman (a sister, daughter or wife) who does not know how to behave has to be "shown", "corrected"'; otherwise, 'she will turn the world upside down', 'ruin her life and her family's reputation'.<sup>611</sup> Criminal justice system officers interviewed for this study confirmed their reluctance to interfere in the private matters of families; they believed it was better to leave such matters to be solved within families.

Women victims are also sceptical about police willingness to interfere. Lailo<sup>612</sup> believes that these police officers are 'doing similar things to their wives', so it is naive to expect them to take any serious action in relation to such cases. A similar view is shared by Nigora who says: 'police officers are men too ... pretty sure some of them are terrible with their wives. You will only embarrass yourself if you tell them you were beaten badly'.<sup>613</sup> It is very likely that police officers behave in a similar way to other men given that societal norms approve of the use of violence against 'unreasonable' behaviour of women.

From the above passages it becomes clear that police officers' role to protect women and to prevent crime is overpowered by the belief that it might be interference in 'family matters'. Furthermore, such actions are deemed necessary to preserve the honour of the family and of men. The occurrence of such incidents in 'public places', and not in 'private' places hidden from outsiders, does not necessarily guarantee police intervention and prosecution unless it takes 'extreme' forms. This supports Buzawa and Buzawa's view that

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<sup>610</sup> Dobash and Dobash, 1980, p. 212-217.

<sup>611</sup> Interviewees: MJS11, MJS4, MJS5, FJS3, MJS2.

<sup>612</sup> Interviewee F12.

<sup>613</sup> Interviewee F18.

changing the laws alone does not result in adequate responses to VAW<sup>614</sup> if VAW is still considered a 'private' matter. Thus, such incidents are not regarded as 'real' crimes worth police intervention.<sup>615</sup> Consequently, relying on police discretion in VAW cases is problematic as studies in other countries have shown such as the UK and USA.<sup>616</sup> These studies demonstrate that police officers' use of their own discretion was applied to determine whether to address a domestic abuse incident as a criminal case or a civil matter.<sup>617</sup> Relying on police officers' discretion often resulted in under-reporting and downgrading the problem thus preventing not only help to victims but also accurate data on spousal violence being obtained.<sup>618</sup>

In Tajikistan, police officers are also less willing to interfere if the 'perpetrators' are the mothers-in-law or members of the natal family. None of the criminal justice system officers interviewed for this study reported being aware of any situation when a mother-in-law's violence or natal family violence towards younger girls and women was reported. Similarly, at the police stations visited during the fieldwork there were no reports of such kind. One of the police officers noted that 'it would be an outrageous act to report on one's mother-in-law, when a girl leaves her home [gets married], her mother-in-law becomes her mother'.<sup>619</sup> During the fieldwork Nisso<sup>620</sup> talked about her neighbour who around two months prior to the interview with Nisso came home drunk and hit his daughter (fourteen years old) with a kettle with hot water inside which almost cost the girl an eye. Apparently, it was quite usual for this man to behave violently towards his

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<sup>614</sup> Buzawa E. and C. Buzawa. 2003. *Domestic Violence: The Changing Criminal Justice System*, Westport, CT: Auburn House, pp. 255-269, pp. 7-9.

<sup>615</sup> Dobash and Dobash, 1980, pp. 211-212.

<sup>616</sup> Rajah, V., V. Frye and M. Haviland. 2006. "'Aren't I a Victim?': Notes on Identity Challenges Relating to Police Action in a Mandatory Arrest Jurisdiction", Vol. 12, pp. 897-916; Hctor, M. M. 1997. "Domestic Violence as a Crime Against the State: The Need for Mandatory Arrest in California", *California Law Review*, Vol. 85, pp. 643-700; Frye, V., M. Haviland, V. Rajah. 2007. "Dual Arrest and Other Unintended Consequences of Mandatory Arrest in New York City: A Brief Report", *Journal of Family Violence*, Vol. 22, pp. 397-405.

<sup>617</sup> Bourlet, 1990; Lewis, R., R. Dobash, E. Dobash and K. Cavanagh. 2000. "Protection, Prevention, Rehabilitation or Justice? Women's Use of the Law to Challenge Domestic Violence", *International Review of Victimology*, Vol. 7, pp. 179-205.

<sup>618</sup> Bourlet, 1990, pp. 18-21.

<sup>619</sup> Interviewee MJC6.

<sup>620</sup> Interviewee F16.

wife and children. His actions were disapproved by all neighbours who called him 'inhuman' and 'crazy'. Nisso said that one time when there was an incident of violence that her husband and other neighbours went to separate the man from his wife who was screaming while he attacked her, but no other action was taken against him. The immediate family members' right to beat their young adult daughters is not questioned in the Tajik society. In 2009, a group of fresh graduates (aged seventeen) was taken to police by the head of the municipal Committee on Women and Family Affairs because they were celebrating their graduation and riding in a car in the evening which was banned by a Presidential Decree.<sup>621</sup> They were spotted by the head of the committee (female), who reported them to the police. After being taken to the police station, the police officers left the boys but notified the girls' parents. The father of one of the girls came to collect his daughter from the police station and, while there, started slapping his daughter on her face and head. The police officers did not stop him. They believed that it was done for a good cause, 'for a reason', because of her 'inappropriate' behaviour which damaged her and her family's image and reputation. If a girl or a young woman is subjected to some form of violence by her kin, within permitted boundaries then the police would not interfere as has been discussed above. This reluctance seems to suggest the belief among justice system officers that if they stood against such actions and regarded them as criminal offences then they would not be able to control their own womenfolk and would thereby increase their chances of being ridiculed and dishonoured by their womenfolk.

Rape cases are also rarely reported in Tajikistan. Victims and their families are generally reluctant to report such cases and prefer to keep it quiet, hence the apparent very small number of rape cases in the country. For instance, the government reports on crimes (which ended with convictions) for the whole country for 2003 states that there were 52 rape cases (ending in conviction), 14 sexual assault and 18 cases of sexual intercourse with

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<sup>621</sup> I came to know about this story from one of the participants of this study. Interviewee F13 (neighbour of the girl mentioned in the story). Subsequent interviews were held with a police officer of the police station MJC4, a civil society representative FCS3. The Decree was not possible to obtain.

minors under the age of 16.<sup>622</sup> Although rape by strangers is condemned in general by the society, a victim's decision to report it to the police is also subject to disapproval. In Mavjuda's case everyone in her village disapproved of her behaviour in reporting the rape she had endured to the police (discussed below in section 5.4.1). They believed she should have quietly married the man and not 'embarrass' herself and her family. The community believed that she should have accepted his mother's proposal of marriage when she visited Mavjuda's house. By going public with it she completely ruined her chances of getting married. Certainly, neither the society nor the justice system officers consider the long term effect on victims of such violence or that experiencing sexual violence transforms people into victims and changes their lives forever such that once victimized one can never again feel quite as invulnerable.<sup>623</sup>

Since marriage is considered a solution in cases of rape by marriage to avoid embarrassment, spousal rape is disregarded completely despite the fact that, as noted in chapter 4 (4.3.1), it is illegal.<sup>624</sup> Compared to physical violence by husbands and mothers-in-law which is discussed widely by NGOs, sexual violence remains a little- raised subject in the seminars, programs and projects of NGOs, governmental bodies and amongst the wider public. The WHO survey also indicates 47% of married women reported being forced to have sex against their will by their husbands.<sup>625</sup> The US Department of State's Human Rights report of 2004 indicates that in the previous 30 years no incidents of spousal rape had been reported and registered.<sup>626</sup> Studies in other countries observe that women who experience physical abuse are also more likely to experience sexual abuse or coercion from their husbands.<sup>627</sup> Haarr in her study of wife abuse in Tajikistan reports that 43 % experienced sexual abuse at least once in their lifetime and 19.3% of women

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<sup>622</sup> CEDAW report, it does not provide details on how many cases are registered in total, how many did not end in convictions, etc., para 2 (c), pp. 6-7.

<sup>623</sup> Koss, P. and Harvey R. 1991. *The Rape Victim: Clinical and Community interventions*, Newbury Park, SAGE Publications.

<sup>624</sup> Art. 138 of the Criminal Code of Tajikistan, 1998.

<sup>625</sup> WHO, 2000.

<sup>626</sup> Bureau of Democracy, Human Rights and Labour. 2004. "Tajikistan", US Department of State, section 4.

<sup>627</sup> Christopher, S. and S. Sprecher. 2000. "Sexuality in Marriage, Dating, and Other Relationships: A Decade Review", *Journal of Marriage and Family*, Vol. 62, No. 4 (Nov.), pp. 999-1017, p. 1007.

experienced both forms of violence: physical and sexual abuse.<sup>628</sup> Reporting and data collection of marital rape remain problematic however. Christopher and Sprecher raise concerns about the exact prevalence of marital sexual assault and coercion in societies where mechanisms are established to identify and record rape cases.<sup>629</sup> In societies like Tajikistan, which lacks adequate mechanisms, rape reporting is even lower and spousal rape is absent. There are different explanations as to why spousal rape remains underreported. Marriage makes sexual activity socially and legally approved and accepted 'because sex and marriage are legally and morally linked, marital sex is generally not viewed as a social problem ... to lead to negative outcomes'.<sup>630</sup>

While some authors identify different factors that prevent women from resisting sexual aggression from their husbands which range from a physical and biological power imbalance, fear of being hurt or anticipation of physical abuse and women blaming themselves for such behaviour,<sup>631</sup> in Tajikistan the problem is seen as more fundamental. The concept of spousal rape does not exist culturally. The cultural definition of rape does not include spousal rape. Societal norms uphold a man's right to demand his wife to perform her 'duty' even if it presumes the use of force. Similar to other forms of VAW victims of spousal rape may not perceive it as unacceptable and serious enough to warrant police involvement. The police and prosecution officers themselves do not seem to be aware of spousal rape (as explained in chapter 4).

The underreporting of rape and poor conviction rates are issues raised by scholars

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<sup>628</sup> Haarr, 2007, 263.

<sup>629</sup> Christopher and Sprecher, 2000; Finkelhor D. and K. Yllo, 1983. "Rape in Marriage: A Sociological View" in D. Finkelhor, R. Gelles, G. Hotaling, M. Straus (eds.) *The Dark Side of Families: Current Family Violence Research*, Thousand Oaks: SAGE Publications Ltd., pp. 119-148.

<sup>630</sup> Christopher and Sprecher, 2000, p. 1001.

<sup>631</sup> Finkelhor and Yllo, 1983.

studying the phenomenon in the UK and US.<sup>632</sup> For instance, Jordan observes that women are less likely to report a physical assault or rape to the police if they know the offender and police officers are more reluctant to arrest the defendant if he is in an intimate relationship with the victim rather than a non-intimate partner.<sup>633</sup> However, it is also pointed out that rapes by known offenders are more likely to result in arrests than where the offender is a stranger, due to the fact that it is easier to identify the offender if he is known to the victim.<sup>634</sup> These studies indicate the issues women victims of rape face when reporting such incidents, and the deeply rooted patriarchal stereotypes influencing society's perception of rape cases. These studies also illustrate that despite some of the positive developments in relation to rape and sexual assault in the UK and US, victims of rape in these societies still face the problem of 'real rape stereotypes' which result in underreporting, downgrading, and lack of adequate response to rape and sexual assault.<sup>635</sup> Although these studies focus primarily on the issues surrounding rape in a Western context, they allow us to discern similar patterns which could also be observed in rape cases in Tajikistan. In addition, the discussion on who is a 'stranger' and who is 'known' to the victim raises a few questions in the context of Tajikistan. For instance, the absence of reports of spousal rape in Tajikistan is an indication that the closer the relationship between the 'perpetrator' and the 'victim', the less likely it is to be identified as a criminal act and be reported. The social stigma attached to rape and sexual assault is even stronger in countries like Tajikistan where, apart from criminalizing rape and sexual assault, no further actions have been taken to identify how better to serve the interests of women

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<sup>632</sup> Gartner R. and Doob, A. 1994. "Trends in Criminal Victimization", *Juristat*, Vol. 14, No.3, pp. 1-20; Jordan. C. 2008. "Intimate Partner Violence and the Justice System: An Examination of the Interface" in *Domestic Violence*, M. Freeman (Ed.), *Domestic Violence*, Hampshire: Ashgate, pp. 106-121; Bachman, R. 1998. "The Factors related to Rape Reporting Behaviour and Arrest: New Evidence from the National Crime Victimization Survey", *Criminal Justice and Behaviour*, Vol. 25, No.1, pp. 8-29. Temkin and Krahe note that despite the growing number of rape incidents being reported to police, the conviction rate is declining which could be due to 'rape-supportive attitudes' and 'stereotypical thinking' about rape that undermine the work of policy makers and legislators to assist victims of rape. Temkin, J. and B. Krahe. 2008. *Sexual Assault and the Justice Gap: A Question of Attitude*, Oxford: Hart Publishing.

<sup>633</sup> Jordan, 2008.

<sup>634</sup> Bachman, 1998.

<sup>635</sup> Temkin, J. and B. Krahe. 2008. *Sexual Assault and the Justice Gap: A Question of Attitude*, Oxford: Hart Publishing, pp. 31-50.

who have been victims of rape and sexual assault. For instance, Mavjuda's case demonstrates the potential negative consequences of reporting violent attacks for women who have been the victims of such violence. Mavjuda's case is also interesting due to the fact that although she could identify the perpetrator, since he was a popular figure in her and neighbouring villages, in relation to her he was still 'a stranger' and not known to her, for instance, as an ex-partner. This was one of the reasons Mavjuda reported him to the police, since he had no 'moral' or 'legal' rights over her.

Studies focusing on policing domestic violence in other countries demonstrate that it is common in patriarchal societies for the police to be reluctant to make arrests.<sup>636</sup> Nevertheless, some countries (such as USA and UK) as a result of action by women's movements introduced mandatory arrest as a necessary measure to protect women.<sup>637</sup> Mandatory arrest however resulted in some negative consequences for women.<sup>638</sup> Mandatory arrest led to an increase in the number of dual arrests, where women are being arrested along with their male partners,<sup>639</sup> resulting in financial hardship for the women and their families, loss of employment, and loss of custody of their children.<sup>640</sup> Additional issues linked with mandatory arrest are the exclusion of female victims of domestic violence from the decision making process regarding whether to pursue arrest

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<sup>636</sup> For instance, see Buzawa and Buzawa, 2003.

<sup>637</sup> Jones, D. and J. Belknap, 1999. "Police responses to battering in a progressive pro-arrest jurisdiction", *Justice Quarterly*, pp. 249-273.

<sup>638</sup> Miller, S. 2000. "Mandatory arrest and domestic violence: Continuing questions", in R. Muraskin and T. Alleman (Eds.), *It's a Crime: Women and Justice*, pp. 283-310; Buzawa E. and C. Buzawa, 1993. "The Scientific Evidence is not Conclusive: Arrest is No Panacea", R. Gelles and D. Loeske (Eds.), *Current Controversies in Family Violence*, Newbury Park, CA: Sage, pp. 337-356.

<sup>639</sup> Martin M. 1997. "Double your trouble: Dual arrest in family violence", *Journal of Family Violence*, 12, pp. 139-157; V. Frye, M. Haviland and V. Rajah, "Dual Arrest and Other Unintended Consequences of Mandatory Arrest in New York City: A Brief Report", *Journal of Family Violence*, No22, 2007, pp. 397-405; Romkens, 2008.

<sup>640</sup> Dual arrest results in women losing their rights and privileges as victims of domestic violence, which may include a place in a shelter, a chance to be relocated to a safe place, issuance of restraining order and job skills trainings. See D. Hirschel and E. Buzawa. 2002. "Understanding the context of dual arrest with directions for future research", *Violence Against Women*, Vol. 6, pp. 1449-1473.

or prosecution<sup>641</sup> which discouraged women from calling the police over future disputes.<sup>642</sup> In the Tajik context, an arrest at the scene of the incident is virtually impossible, particularly in remote places. In Tajikistan the police are rarely called, but may be called if the ‘dispute’ gets out of hand. The victim does not want her husband to be imprisoned and the police are reluctant to arrest the husband. Introducing mandatory arrest in Tajikistan could lead to serious consequences for women and their children, such as loss of a breadwinner, be ostracised, deal with a constant pressure from the husband’s relatives or reprisal from the husband and his relatives.

### 5.3.2. ‘Women Don’t Know What They Want’

It became apparent in the field that women’s every word is treated with suspicion and her complaint is not taken seriously.<sup>643</sup> Police officers doubt the seriousness of the victim’s decision to proceed with the prosecution of her husband. One senior investigator notes that:

‘Women do not know what they want. A woman comes to file a complaint and then, after a few days, comes back and wants to withdraw her complaint. You go through it all, register the letter, prepare documents and try to collect evidence. You ask them why they do it [drop the charged] and they say they wrote it [the complaint] when they were angry, they are no longer angry and have reconciled with their husbands and they are good with each other now. Then, after a few weeks, she comes back again and wants to write another one. How can you take that seriously? You know that, after a few days, she will want to take it back’.<sup>644</sup>

When withdrawing complaints women put down ‘reconciliation’ as a reason for withdrawal of their complaints thus police officers expect every single woman who makes a complaint to reconcile with their husbands soon and therefore disregard their

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<sup>641</sup> Smith, A. 2000. “‘It’s My Decision, Isn’t It?’: A Research Note on Battered Women’s Perceptions of Mandatory Intervention Laws,” *Violence Against Women*, Vol. 6, pp. 1384-1402; Stephens, J. and Sinden, P, “Victims Voices: Domestic Assault Victims’ Perceptions of Police Demeanour”, 2000, *Journal of Interpersonal Violence*, 15, pp. 534-547.

<sup>642</sup> Buzawa, E., Austin, T., Bannon, and J. Jackson. 2003. “Role of Victim Preference in Determining Police Response to Victims of Domestic Violence”, E. Buzawa and C. Buzawa,(Eds.), *Domestic violence: The Changing Criminal Justice System*, Westport, CT: Auburn House, pp. 255-269; Ford, D. 1991. “Preventing and Provoking Wife Battery Through Criminal Sanctioning: A look at the Risks”, in D. Knudsen and J. Miller (Eds.), *Abused and Battered: Social and Legal Responses to Family Violence*, New York: Aldine de Gruyter, pp. 191-209.

<sup>643</sup> Interviews with criminal justice officers: Interviewees MJS3, MJS5, MJS12.

<sup>644</sup> Interviewee MJS12.



complaints.

Studies in other countries show a similar biased approach to women victims.<sup>645</sup> For a victim's complaint to be taken seriously a woman must demonstrate that she did not 'deserve' to be attacked and furthermore, despite all the challenges and problems she faced or might face, she must be willing to pursue a complaint against her husband.<sup>646</sup> McGregor and Hopkins note that criminal justice officers tend to hold women victims partially responsible for their abuse and do not understand why so many fail to complete the process.<sup>647</sup> The criminal justice system may entail a long process and, in every situation, from one prosecutor to another, the woman is forced to share the intimate details of her married life with strangers.<sup>648</sup> Therefore, this can also discourage the woman and she may drop the charges. As a result, women are blamed for not proceeding with their complaints. McGregor and Hopkins note that many justice system officers are unaware of the dynamics of abusive relationships and cannot comprehend that women drop the charges against their abusers because of pressure from the latter.<sup>649</sup> Instead, the justice system officers tend to believe that women drop their charges because the abuse was not severe enough to make them want to leave or report it to police.<sup>650</sup> Thus, any further violence that the women suffer in the future is the result of their failure to proceed with the charges. A senior investigator with 12 years' experience in the force stated that:

'The women themselves do not come forward. We [at the police station] register complaints from women in relation to their husbands' violence but, after some time, they come and withdraw their complaints. To do so, they have to write an explanation of why they are withdrawing their complaints and the reasons they give are 'I did it *karand*' [out of anger], they have reconciled, or they do not want their husbands to be in detention. I was on duty one day and we were called to the hospital because a [female] patient had been beaten severely. I, along with my colleagues, went there and I told the woman to let me imprison her husband for a few days. He will get scared and won't do that ever again and she was reluctant. When

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<sup>645</sup> Price, B. and N. Sokoloff. 1995. *The Criminal Justice System and Women: Offenders, Victims, and Workers*, New York, London: McGraw-Hill; Dobash and Dobash, 1992; Buzawa and Buzawa, 2003; Buzawa, *et al.* 2003.

<sup>646</sup> Dobash and Dobash, 1980, p. 218.

<sup>647</sup> McGregor H. and Hopkins A. 1991. *Working for Change: The Movement against Domestic Violence*, Sydney: Allen and Unwin.

<sup>648</sup> Lewis, *et al.*, 2000, pp. 185-189.

<sup>649</sup> McGregor and Hopkins, 1991.

<sup>650</sup> *Ibid.*, For more on the myths about VAW see Harne and Radford, 2008.

her husband came, I told her to keep quiet and started talking to him and I was rough with him and told him that I would imprison him, but she started crying and then I stopped. I am sure that if I had proceeded, he would never have touched her ever again'.<sup>651</sup>

This particular case demonstrates the low awareness among police officers of their behaviour's potential impact on the victim, or the complications and adverse effects that it may create for her in Tajikistan. This case also suggests the ignorance of the police officer to recognize the negative social and economic consequences of separation for a woman as a result of prosecution of her husband as is suggested in the work of Harris-Short and Miles when addressing the issue of why women stay in abusive environment in the UK. They note that some women may not consider 'prosecution and conviction a constructive step for the longer-term future of their family, particularly if they want the relationship to continue in some form'.<sup>652</sup> As a result of the victims' failure to proceed, police officers and other justice system personnel develop an indifferent, ambivalent response towards female victims of violence and are less likely to take them seriously. It is not surprising that criminal justice system officers disregard women's participation in decision-making in terms of prosecution or sentencing for the crimes against women.<sup>653</sup> Similarly in the context of Tajikistan this particular story indicates that the woman's input in making a decision about her husband's arrest was not regarded as significant, as the police officer believed that he was acting in the woman's best interest through 'believing the woman does not know what is best for her'.<sup>654</sup>

Police officers who participated in this study did not seem to be concerned with what drives women to drop their complaints, but focused on their unreliability. Subsequently, the distrust of the police towards these victims increases and they become even more reluctant to interfere, register such complaints and act upon them if those women decide to come back again. There may be a number of reasons why victims decide to withdraw their complaints or do not proceed with prosecution. Societal pressure and social and

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<sup>651</sup> Interviewee MJS13.

<sup>652</sup> Harris-Short and Miles, 2007, p. 274.

<sup>653</sup> For the issues surrounding with the criminal justice professionals' reluctance to involve 'victims' in decisions making process see Dobash and Dobash, 1980.

<sup>654</sup> I often came across this belief that police and prosecution knew better what was good for women, but noted that if women do not come forward and do not make official complaint 'their hands are tied', MCJ11, MCJ8.

economic dependency make it difficult for women to proceed with their charges. Therefore, women decide to take back their complaints. The example in other countries shows that women and their children may face further violence as a reprisal for ‘involving’ strangers in their ‘family matter’.<sup>655</sup> Therefore, there is a risk that women and their children in Tajikistan may also face similar issue of reprisal if they proceed with their complaints.

The reluctance and low level of reporting of violence to relevant governmental institutions is also explained by the ‘different mentality’ in Tajikistan as was mentioned above (Chapter 5.2). Frequently, the term ‘our mentality’ emerged during the discussions with NGO representatives and law enforcement officers, prosecutorial and judicial officers, as well as governmental officials. All of them tend to agree that the mentality of people in Tajikistan is different, hence the low interest or none in making use of the laws or reporting violence to police<sup>656</sup>:

‘Our people’s mentality is different. We do not assist police officers with crimes, we do not go to the police if something happens. People do not use their rights and seek justice. In the West, they go to court for anything they wish, like in the movies. We do not do that. As an example, recently, a 20 year-old boy was killed by another young boy who was drunk. The father of the ‘killer’ came to the funeral of the boy who died, talked to his father and built their family tree, found out they were relatives (remote ones) and for the sake of ‘*arvogon*’ (ancestors) decided that, by jailing the man, nothing would be solved, but another life would be destroyed and these parents would suffer too. So you see people are not helping out. Therefore we cannot work.’<sup>657</sup>

As has been discussed in previously the issue of ‘different mentality’ in Tajikistan the wider public also believes the ‘mentality’ or ‘culture’ is different and therefore the norms that grant an opportunity to seek protection from violence can be regarded as inapplicable, particularly if they have to report their natal family members to the authorities. Informants explained that:

‘It’s not in our culture, how can you call police to put your husband in prison, you would

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<sup>655</sup> Topliffe, E. 1991-1992. “Why Civil Protection Orders are Effective Remedies for Domestic Violence but Mutual Protective Orders are Not”, *Indiana Law Journal* No67, pp. 1039-1066, p. 1041.

<sup>656</sup> Reichel’s work is interesting in this aspect where he explains the reluctance or low level of legal activism in Russia. He argues that Russian people viewed the law as artificial and this view strengthened by Marxist philosophy on law. Hence, legal consciousness never fully developed even during the soviet era. Reichel, P. L. 2002. *Comparative Criminal Justice Systems: A Topical Approach*, 3<sup>rd</sup> Edition, Prentice Hall.

<sup>657</sup> Almost all of the informants from NGOs, police stations, prosecution offices, the municipal and regional courts made similar statements.

never do that, or your mother-in-law, people will think you are crazy, that you have watched too many Western movies'.<sup>658</sup>

'It is outrageous to do that [report natal family members] to police. Unthinkable behaviour I cannot imagine who would do such a thing. It means she does not have any *zot* (ancestry) otherwise no normal woman would even think about that'.<sup>659</sup>

Social disapproval of reporting family members impedes women from coming forward to report. However, even if the reporting culture was in place there are other obstacles preventing women from proceeding such as the justice system officers' attitudes as demonstrated below. In addition to that the previous chapter (4.2.2) noted that women have to recognize the violence to be able to report it. Kelly and Radford note that in familial or intimate contexts recognizing behaviour as violent can be complex for those who experience it.<sup>660</sup> As findings of this study show, women are not always able to name their experiences as criminal and a matter for police intervention, particularly in societies where societal norms accept or approve of such behaviour.

### 5.3.3. Harassment

Apart from prejudices towards victims of VAW, women also face double victimization. This study's findings show that women in Tajikistan face double victimisation in the form of harassment from law enforcement officers as Sitora's story demonstrates below:<sup>661</sup>

'My ex-husband came to my place at night and started calling me names, saying that I cheated on him, etc. We started fighting, he hit me and tore my clothes ... so I called the police. The police came and they took us both to the station, they kept him in custody and the inspector took me home. And when we got there [home] before I managed to open my front door and get in, he started imposing himself on me, he wanted to go in my flat and have sexual intercourse with me. I asked him to stop but he wouldn't, he held me tight and continued kissing my neck ... all I was thinking was that I don't want to open the door, I don't want my two kids to see this...I tried to talk to him, I said "please don't, you see in what condition I am ... I have a black eye, my clothes are torn on me ... I feel stressed, I was just at the police

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<sup>658</sup> Interviewee F5.

<sup>659</sup> Interviewee F33.

<sup>660</sup> Kelly and Radford, 1997, p. 20, 27-30.

<sup>661</sup> This way of behaving for police officers can be observed in other Central Asian states. See for instance Minnesota Advocates for Human Rights Report on Uzbekistan where they discuss at least two cases of women (one local and one foreign) who were sexually harassed when they sought protection from law enforcement officers. Minnesota Advocates for Human Rights, 2000. "Domestic Violence in Uzbekistan", December.

station, how can I have an intercourse with you in this condition" ... He wouldn't leave ... and stayed outside my apartment in this cold weather until the morning. Eventually he left...but he would come every time and knock on my door, I was scared to open the door. I called a friend [boyfriend] and he and his friends had a good "talk" with him [investigator], they threatened him and he left me alone, otherwise he would not.'<sup>662</sup>

Sitora's story is not an isolated case. Sitora's words echo experiences of other women in Tajikistan. The reason Sitora reported the 'incident' with her ex-husband to police was because of her belief in her right to be protected. She developed this belief while working for an international organization and participated in several seminars on human rights and women's rights. Furthermore, her ex-sister-in-law is a head of an NGO that is engaged in promoting human rights issues. When Sitora divorced her husband, unlike other women, she was not thrown out of her husband's place.<sup>663</sup> Upon the divorce, her husband moved out and left the flat to her and their children as a good gesture. Her exposure to ideas about human rights, women's rights, and belief in the legal process combined with her lack of direct experience of the criminal justice system to drive her to report the 'incident' and seek protection from the authorities. However, as a result she faced further harassment and feelings of helplessness and disappointment. She added 'the only way you can survive and avoid humiliation is if you have someone behind you ... I am glad I had one.'

Fear of harassment from the law enforcement officers often leads to women victims' reluctance and unwillingness to call for intervention, or accessing the justice system knowing that their interests will not be pursued. Moreover, their vulnerable position will be used for further victimisation. Manija explains her views on police officers:

'Police officers will be the first ones who would want to take advantage of you, so why would you put yourself in that position. They are men, they see an opportunity...a separated or divorced woman is a booty for any man, including police, they will go after her, pursue her, to try their "luck". No normal woman would put herself in that position, that's why you need a husband, or a man in your life, so that other men know you have someone [a man] at home and they won't try to take advantage of you ... I saw once a woman selling vegetables in front of the bazaar. It was fine before but now for some reasons it is banned, so a police officer came and started shouting at her and then threw away her stuff. She was trying to plead with him to give her at least time to collect her stuff and leave, but instead he kicked her in her bottom in

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<sup>662</sup> Interviewee F24.

<sup>663</sup> The apartment the couple lived in was bought for them by the husband's parents.

front of other people ... in public! I can imagine she must felt really embarrassed. I could see it in her face ... that's the worst thing that can happen to a woman, being touched or kicked in her "private" parts especially in public. She told him "aibai" [a sin] it is not what a Muslim would do, but he ignored her ... How can you speak about justice if that's the way police officers behave who are supposed to keep an order and give you protection?'<sup>664</sup>

It is a widespread belief among male and female in Tajikistan that men have sexual desires that they wish to fulfil with any opportunity that arises, and law enforcement officers are no exception. It is clear that men, including male police officers face no consequences for their actions and knowing that and driven by the widely shared belief among men and women that it is only natural for men to pursue sexual desires, they take any opportunity that arises.

#### **5.3.4. Women in Police Forces**

The majority of men employed in police forces are men and therefore it is likely that they sympathize with husbands and their words above suggest that it is likely they employ similar means to ensure their womenfolk's compliance with existing gender norms and expectations. It could be suggested that women might feel more comfortable speaking about their experiences with female police officers and expect better understanding from them. Neither police units nor the prosecution office have a special unit for handling rape and sexual assault cases. The fact that there are very few female police officers leaves women victims of rape or sexual violence having to discuss their cases with male investigators which leaves them feeling embarrassed and humiliated when discussing the incident in detail. The small number of women present in the police force is located in the human resources or finance units.<sup>665</sup> Mavjuda, who was raped and reported her case to police, (5.4.1) found it embarrassing and difficult to discuss her case with a male investigator. A question arises whether increasing the number of female police officers would assist in changing the prejudices against victims of VAW. The findings of this study suggest that the presence of women among law enforcement officers is not sufficient in

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<sup>664</sup> Interviewee F10. Similar situations were observed in Dushanbe city, Khatlon, Khorog, and a few rural places I visited.

<sup>665</sup> For example in one police unit visited only 4 percent were female officers.

itself to provide victims with better protection in Tajikistan. It is naive to expect a female police officer's personal attitude to marital relations and victims of VAW to be different from those of males, or the dominant cultural expectations. Women victims face harassment and intimidation and experience 'double victimization' even from female justice system officers. As the stories demonstrate, female police officers, prosecution officers and judges share similar prejudices about victims of VAW. Female criminal justice officers may also subject women to intimidation, humiliation and feelings of embarrassment. Therefore, women victims distrust female justice officers in equal measure to male officers as becomes obvious from Mavjuda's story:

'I saw a woman [police officer] there and I kind of felt at ease I thought she would be in solidarity with me ... as a woman she will understand ... when I approached her in the corridor and told her my story, she said it's not among her duties ... but then she also added "if you dress like this all the time, no wonder why men want to rape you, you have to dress appropriately". All I was wearing a sleeveless T-shirt and jeans. When I said something else she started pushing me and told me go to an office and wait there, she was very rude, I was scared of her'.<sup>666</sup>

There are perhaps too few women yet in the police forces to result in any changes.<sup>667</sup> Obviously, increasing the number of women in the police force or any other decision-making position will not automatically eliminate or challenge the existing gender norms in Tajikistan with its strong patriarchal rules and norms or contribute to better serving the interests and rights of women and their better protection. Nevertheless, it is important to advocate for women's representation in all spheres and decision-making processes, such as police, prosecutorial and judicial positions.

## 5.4 Prosecution, Convictions and Sentencing of VAW:

### 5.4.1. Cases

Lailo's<sup>668</sup> case shows how cases of VAW are processed in the justice system in Tajikistan.

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<sup>666</sup>Interviewee F7.

<sup>667</sup>For more information on women in police force see Mahajan, A. 1982. *Indian Policewomen: A Sociological Study of a New Role*, New Delhi: Deep and Deep; Brown, J. and F. Heidensohn. 2000. *Gender and Policing: Comparative Perspectives*, London: Macmillan Press.

<sup>668</sup> Interviewee F12. I first came to know of this case from a (female) deputy to the Prosecutor who also

It also shows whose violence women victims regard as illegitimate. However, it has to be mentioned that women employ the justice system as a last resort. When women do not see the possibility of preserving their family together anymore, when they believe there is a real danger to them and their children, only then women may seek formal intervention, however as Lailo's case demonstrates, not against her husband whose right to physical and verbal assault is not questioned. Lailo was subjected to physical and verbal assaults by her husband and his brother. She only took measures when she was willing to divorce her husband when she returned to her parents. It was not the first time she returned to her parents as she had done so many times over the years. But this time she did not feel 'strong' enough to return to her husband despite the negative attitude towards divorced women, as discussed below in 5.5.1. Although the physical abuse 'got out of hand', and started to take place in public, Lailo reported only her husband's brother and not her (ex)-husband to the police. Lailo was interested in reporting her brother-in-law's beating and harassment, but no criminal charges were pursued against her brother-in-law because the behaviour in question was not considered criminal by police. Lailo's case illustrates the societal approval of a husband's right to beat his wife and police prejudices against interfering in 'family' matters affect victims' decision to report the abuse and police willingness to adequately handling the crime. Neither Lailo nor her brother-in-law, nor her husband nor the police questioned her husband's right to beat her. Even though Lailo continued to emphasise that her husband and his brother hit her for no reason the police considered it a private matter, and did not consider it necessary for her husband to be reported and criminal charges to be brought against him.

Below is Lailo's story, in which she explains her situation, she explains why she had to work which is what escalated the tension in her family:

'I had to work. My husband was not working and we have two children. Someone has to work. I found a job at the customs office, it's quite a prestigious place, and it's hard to find a job

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helped me to gain access to the files in a municipal police station. I managed to talk to one of the investigators who was investigating the case and managed to locate Lailo. I contacted Lailo and she agreed to discuss her case with me. After I discovered that Lailo had also applied for divorce I obtained her permission to visit a court of first instance in her place of residence and look at her file. I also interviewed the presiding judge MJS9.



there...it's the place where people can make money, you know ... I managed to find it through my connections, so I was really happy but my husband was angry he said I found it through my lover. It didn't take long for him to start complaining. He said that even though he is not earning money, his brother is helping us so it's enough, no need for me to go and do *jalabgari* [act as a prostitute, sleep around with men]. I didn't want to stay at home, and also the financial difficulties convinced me more that I should work, so I continued going despite his resistance, his constant arguments and blows. But I couldn't take Mahkam's [husband's brother's] pressure anymore. That day, he saw me in the car and when the car stopped he came to me, he started swearing at me and when I got out he started beating me. He is not my husband, he cannot beat me and most importantly not in front of people. He beat me badly and my husband was there too who said "beat her harder", so I got injured. I couldn't leave my house for 15 days ... I really fear them both. Whenever Mahkam saw me in the street, he would use any excuse to shout at me and hit me, he says I am dishonouring his brother, I am a loose woman. I reported his abuse to the police but nothing really happened. They called me once to the police station and Mahkam too, but after that nothing else happened. I don't have a brother to talk to Mahkam, so there is nothing much I can do. I just hide from Karim [ex-husband] and Mahkam when I see them somewhere and that's it'.

Along with the criminal charges against her brother-in-law, Lailo also filed for divorce and asked the court to request her husband to state in writing that he would keep away from her after their divorce. Her *ariza* (request for divorce) to the court reads:

'My husband is unemployed. Because of our financial difficulties, I had to leave my children at kindergarten and work, but my husband was always jealous of me without any reason for that and demanded I stopped working and stayed at home. Despite my explanation, he continued to insist. He forced me to stay at home some days, but the following day I went to work again. That day he [husband] came to my workplace and in front of my colleagues for no reason started swearing, shouting and beating me. The same evening, when my [male] colleague gave me and my other [two female] colleagues a lift, my husband's brother in front of my colleagues and neighbours started beating me when I got out of the car. As a result, I received a bodily injury [described as minor by the forensic expert] for which I had a medical examination. I made a complaint to the local police [gorotdel-gorodskoi otdel-city police unit] about my brother-in-law's beating. I fear them and have to hide from them all the time. I came to the conclusion that it was impossible and also dangerous to stay with my husband, as it is possible that he might severely injure me one day. All I ask from the court is child support for my children and to dismiss our marriage without giving us any time for reconciliation. Also, I want the court, upon dismissing our marriage, to get it in writing from Karim [her husband] that he would restrain from interfering with me. I also make no claim to our joint property'.

The widespread belief that a family member and in this case a husband's right to beat his wife for a reason is upheld in the whole legal system. Lailo mentions several times that her husband's beating was for 'no reason'. It became an issue for her also because it took place in public, 'in front of neighbours and colleagues'. She did not report in her testimony at the police station on the persistence and frequency of the beating she received at home. However, to avoid the court procedure in divorce cases which gives married couples time to think for reconciliation, Lailo states her fear of being severely

injured and for that she obtained a copy of her medical and forensic evidence which is not a common practice as only relevant bodies can refer the victim to obtain such documentation. She also indicates that she has no claim to their joint property in order to accelerate the divorce process which otherwise may take longer.

Mahkam's belief that a man or husband has the right to strike his woman or wife is expressed in his testimony. Mahkam's testimony presented at the police station reads:

‘That day, at around 19.00, I was near the house and saw Maksad [the colleague who gave her a lift] and Karim arguing, I asked them to stop. I told Lailo to go into the house, but I didn't beat her. She got her injuries when her husband beat her. So I am not guilty of the charges’.<sup>669</sup>

It suggests that Mahkam does not believe that her husband is at risk of being prosecuted, so he tells the police explicitly that Lailo received her injuries from her husband. Otherwise, Mahkam would have denied perhaps any beatings to protect his brother. This family relation is a reason why Mahkam was verbally and physically abusing Lailo in order to protect the honour and dignity of his brother. To prove Mahkam's words, Karim [the husband] was called to give his testimony. Karim informed the police that he beat his wife but that it was ‘for a reason’. His right to beat her was not questioned by the police, thus, no further actions were taken against Karim nor against his brother because Karim proved Mahkam was not the one who beat Lailo.

Lailo's case is a perfect example: the husband's beating is disregarded because of societal acceptance and approval. Lailo does not see that what Karim was doing to her was as unacceptable as his brother's action and therefore a criminal offence and subject to police intervention. She was not the only person who failed to label the incidents as such: the police failed to recognize that what was happening to Lailo was criminal and a police matter.

Police's biased attitudes towards VAW is noticeable in cases where the crime is not committed by a family member, as Mavjuda's stories demonstrates. Mavjuda<sup>670</sup> is a single, 22 year old student, who lives with her parents in a small village.

Mavjuda was coming back from her uncle's house after a *tashkili* [a celebration/party]. It was

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<sup>669</sup> A copy of Mahkam's testimony was obtained from the police unit.

<sup>670</sup> Interviewee F28.

around eight in the evening. While she was walking home, a car stopped nearby and the driver and male passenger (sitting next to the driver) offered her a lift, which she refused. The car followed her and, at one point, stopped. The passenger got out and started talking to Majvuda. They were all from the same village or nearby ones, so she had an idea of who they were. The passenger told her that she ought to be happy that the driver liked her and she was a lucky girl, so she should accept his offer of a lift. She refused. They drove off. Later, while she was still walking towards her village, the car came back, the driver got out and forced her inside. He took her to nearest café, which was closed, and there was no one there apart from the security guard. He drove behind the cafe and raped her twice in his car. Mavjuda passed out the first time while resisting him. He then drove off with her and left her near to her house. She went home and told her mother, who in turn told her brothers. The next day, the district police were informed. The police notified the prosecution office and a representative from there requested a forensic examination. The forensic office is located in the city of the oblast/province. Mavjuda was taken for the examination eight days after the assault took place, firstly because it happened at a weekend, and there was no public transport available to travel from the village to the city and the forensic office is closed at weekends, and secondly the police or prosecution office lacked technical and financial resources. The forensic expert concluded that there was no sign of a rape. The prosecution officer responsible for the case disagreed with the statement and took Mavjuda to the forensic office in the capital city.<sup>671</sup> Mavjuda was not treated very well, was humiliated and was accused of lying [by the forensic staff] during the examination. In the end the conclusion was no there sign of a rape. However, an expert at the unit informed the investigator that, after the war, all of the good experts fled the country and now there is almost none left. The case was dismissed on the ground that there was insufficient evidence.

Female victims of rape have to deal with the stereotypes about rape victims, which also influence the likelihood of prosecution. Madigan and Gamble argue that the criminal justice system distinguishes between good victims, who are willing to cooperate with the police and prosecution and show more visible signs of trauma, and bad ones.<sup>672</sup>

It is quite common for the victims of rape to be blamed for these crimes. Attwood examines the Russian legal scholarship on rape and notes that the overwhelming majority of Russian scholars blame the women for 'bringing' it on themselves and not avoiding situations which lead to such incidents.<sup>673</sup> It is seen as 'understandable' that given a chance, men will take advantage of it.<sup>674</sup>

Rape victims are treated with suspicion and are believed to lie about sexual assault for all

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<sup>671</sup> I interviewed the officer who talked about how Mavjuda was treated in the forensic unit in the capital city. Interviewee MJS5.

<sup>672</sup> Madigan, L. and Gamble, N. 1991. *The Second Rape: Society's Continued Betrayal of the Victim*, New York: Lexington Books.

<sup>673</sup> Attwood, L. 1997. "She was Asking for It: Rape and Domestic Violence against Women", M. Buckley (Ed.) *Post-Soviet Women: From the Baltic to Central Asia*, Cambridge: Cambridge University Press, pp. 99-118.

<sup>674</sup> *Ibid.*

sorts of reasons, ranging from revenge, regret at having had intercourse with the perpetrator and financial motives.<sup>675</sup> Women must be able to convince the prosecution officers of their ‘innocence’ of not leading or provoking the assault in any way.<sup>676</sup> All of these matters, along with the societal and cultural attitudes towards rape, morality and female sexuality deter female victims from reporting sexual assaults. Women in Tajikistan are ‘expected to preserve their sexual purity and honour by avoiding perceived behavioural and sexual transgressions that could bring dishonour to themselves and their family’.<sup>677</sup>

Mavjuda’s case demonstrates the burden women victims have to carry and the issues and obstacles that female victims of rape encounter. Prosecution of such crimes depends on whether there is strong evidence and ‘appropriate’ documents, such as forensic evidence; if not her case may be dismissed due to insufficient evidence.<sup>678</sup> Mavjuda’s story shows the difficulties in establishing the crime actually happened, gathering evidence and obtaining forensic opinion.

#### **5.4.2. Convictions and Sentencing**

As the stories above show most cases reported to police do not lead to prosecution nor conviction in Tajikistan. Instead charges are dropped and cases are closed. Similarly to other countries only a small number of perpetrators of VAW in Tajikistan face criminal charges for physical assault, and only rarely do they end with imprisonment. The study of Lockton and Ward focuses on response of the justice system to domestic violence in the UK and demonstrate different attitudes of police officers in handling domestic violence cases. They argue that with regard to the application of law in response to domestic violence incidents in the UK domestic violence offenders were treated differently to

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<sup>675</sup> See Shelagh D. and C. Barbato. 1999. “Justice Delayed is Justice Denied: The Experiences of Women in Court as Victims of Sexual Assault”, *Challenging Silence: Innovative Responses to Sexual and Domestic Violence*, Jan. Breckenridge and Lesley Laing (Eds.) Allen and Unwin, St. Leonards, pp. 47-58, p. 50; See also Clarkson, C., H. Keating, and S. Cunningham. 2010. “Sexual Offences”, *Clarkson and Keating Criminal Law: Text and Materials*, 7<sup>th</sup> edition, London: Thomson Reuters, pp. 585-620.

<sup>676</sup> Temkin and Krahe, 2008, pp. 31-50.

<sup>677</sup> Haarr, 2010.

<sup>678</sup> Interview with the head of investigation unit. MJS5, senior investigator MJS6.

other offenders and, in cases where the assailants were convicted of grievous bodily harm, few were sent to prison.<sup>679</sup> There are no legal provisions or acts that require the perpetrators of domestic violence or VAW in general to be treated any differently in Tajikistan, nor any provisions explicitly stating that the sentencing court should treat VAW offences any differently from non-VAW offences. Nevertheless, justice system officers in Tajikistan regard most cases of VAW as not serious enough to lead to conviction or imprisonment.

A (male) senior investigator noted that:

‘It would be a shame to imprison someone for something like that...when asked what sort of punishment they should be given he replied something less “harsh”, it is not worth for someone to have criminal convictions and imprisonment for something like that, it will mark him for life’.<sup>680</sup>

In addition, there are mitigating circumstances which may further reduce the punishment which include if he is the sole breadwinner of his family provided in the Criminal Code of Tajikistan- if the community gives a good character reference; or if he has no previous convictions and in case of an honest repentance.<sup>681</sup> Because domestic violence cases are not regarded as serious crimes, mitigating circumstances are applied quite often in order to ‘save’ the defendant from being imprisoned in Tajikistan. This implies that the nature of the crime, the long term impacts on women, women’s safety and interests are disregarded in the process of delivering justice in Tajik society.

In societies such as Tajikistan, where violence is widely used and affects a large proportion of the community, there are concerns over where accountability should begin. Tahmina<sup>682</sup> does not believe that imprisonment would work in Tajikistan in such cases and does not think it is applicable in Tajikistan.

‘If you want to imprison men and women [here she means mothers-in-law] who abuse girls there will be no free person left in Tajikistan. Girls are always watched by neighbours, friends, etc and if they think you behaved inappropriately for a girl, they straightaway call attention to

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<sup>679</sup> Lockton and Ward, 1997, p. 162; Burton discusses the positive developments in justice system officers’ attitudes to domestic violence in the UK, such as treating domestic violence seriously, but also draws on recent initiatives to further improve police responses and observe how the victim’s voice is silenced by these actors in pursuit of their own performance targets. Burton, M. 2008. *Legal Responses to Domestic Violence*, London: Routledge, pp. 94-108.

<sup>680</sup> Interviewee MJS5.

<sup>681</sup> Article 61, Criminal Code of Tajikistan.

<sup>682</sup> Interviewee FCS4.

that and won't miss a chance to deliver it to your husband ... so would you lock away all of them?'

Due to the nature of family relations, family structure along with the economic and social dependency of girls and women on their families (natal and conjugal), imprisonment of their family member may not be regarded by them as a solution to their problems.

### **5.4.3. Release from Criminal Liability: Reconciliation and Repentance**

Mavjuda's case demonstrates that perpetrators of rape and sexual assault have the option to avoid criminal liability if they accept their guilt and marry the victim.<sup>683</sup> Similarly, with bodily harm injuries there is a possibility to avoid criminal liability if the parties reconcile.<sup>684</sup> According to the Criminal Code and Criminal Procedure Code, certain criminal proceedings, including physical assault can only begin with the complaint made by a victim, and end when the victim withdraws the complaint.<sup>685</sup> The laws provide the option for petty and medium crimes to be reconciled and therefore the prosecutor may choose to opt out from prosecuting the complaint.<sup>686</sup> Reconciliation can be complemented with a repentance or 'active apology' to release the defendant from criminal liability.<sup>687</sup> It is worth mentioning what 'reconciliation' means in the Tajik context. In Tajikistan 'both historically and in current practice "reconciliation" is not understood as a process by which justice is done, or through which a victim is "made whole"'.<sup>688</sup> As has been discussed above, many victims withdraw their complaints on the ground of 'reconciliation' with their husbands. Therefore, reconciliation in Tajikistan exists for a practical reason, which is to stop a complaint from proceeding into the system. Thus it

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<sup>683</sup> Article 5 (3) (of the Criminal Procedure Code) allows reconciliation for rape Article 138 (1) of the Criminal Code.

<sup>684</sup> Article 105 of the Criminal Procedure Code.

<sup>685</sup> Article 112, 116, 117 (1), 135 (1) and 136 (1) of the Criminal Code. The Criminal Procedure Code provides that for the mentioned articles of the Criminal Code a judge can try to reconcile the defendant and the victim and if reconciliation is not reached, the judge passes a decree on initiation of criminal investigation and bringing to trial the defendant. Article 105 of the Criminal Procedure Code.

<sup>686</sup> Alkon, 2005, p. 9.

<sup>687</sup> Article 72 states that a person can be released from criminal liability due to active repentance given that the crime was committed for the first time. Criminal Code of Tajikistan.

<sup>688</sup> Alkon, C. 2005. "The Increased Use of Reconciliation in Criminal Cases in Central Asia: A sign of Reform of Cause for Concern?", ISRCL, p. 6.

allows perpetrators to avoid criminal liability.<sup>689</sup>

Many professionals within the criminal justice system see reconciliation as a positive step and the expanded use of reconciliation is seen as a sign of 'progress' while disregarding when and with what types of cases and with what types of defendants these processes might be most valuable in the Tajik society.<sup>690</sup> Without much consideration about whether the reconciliation option serves the interests of victims, the main priority is given to the number of cases reconciled. This is believed to be a positive achievement not only by different professionals within the justice system, including defence lawyers, but also by representatives of NGOs working in the field of women's rights which is justified in the name of family unity (more in chapter 6).

Victims have a very limited or no role at all in the reconciliation process. As the stories above demonstrate there is little concern or even awareness among different professionals in the criminal justice system that victims of crimes should also have their voices heard in the development and application of criminal justice policy. Failure to pursue justice in the interests of women victims becomes even more noticeable in cases of domestic and sexual violence. In rape cases the perpetrator is given a chance to marry the victim while disregarding her desires, or failing to include her in the decision-making process.<sup>691</sup> Quite often it is her family, the defendant's family, the prosecuting officer and the judge who determine what is best for her. A senior judge at a municipal court sees her duty as ensuring that the 'genuine' victim receives the best resolution possible, which in the context of Tajikistan means for a young girl or woman to have a husband:

'If the man is not decent enough and after sexual intercourse fails to marry her, even if she doesn't get pregnant, he still has to marry her. If it is true that he slept with her and she was a virgin I will try to make sure he marries her'.<sup>692</sup>

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<sup>689</sup> Article 73 provides that defendant may be released from criminal liability due to reconciliation with the victim (in cases of petty misdemeanour), Criminal Code of Tajikistan.

<sup>690</sup> Alkon, 2005, p. 6.

<sup>691</sup> Interviews with police officers, prosecution officers, judges and victims. Observation, court case reviews, tapes of victims and defendants' interrogations.

<sup>692</sup> Interviewee FJS23.

The judge, along with other parties involved, does not seem to acknowledge the possibility that the victim is traumatised by the experience. The victim's wish is disregarded and her voice is silenced. To preserve her 'name,' her family's name and her honour she is married off to the defendant, if the latter agrees to marry her.

Studies in other societies acknowledge that for many victims of sexual assault, going through the trial process is like being 'raped again.'<sup>693</sup> This ordeal becomes a 'secondary victimisation' because, apart from the defendant, the victim's character and identity is also put on trial.<sup>694</sup> The victim bears the burden to prove that she is trustworthy and genuine in her accusations. Dutton points out that whether a specific act fails to fit within the legal definition of sexual assault the psychological impact of that act on the victim is still significant.<sup>695</sup> However, as the above examples demonstrate the psychological implications of rape on victims are disregarded for the sake of preserving the 'good' name of the victim and her family in Tajikistan.

## 5.5. Civil Law

In Tajikistan under the civil law there is only one option for women in abusive households.<sup>696</sup> This option is available for married women and that is seeking divorce. Under the civil law women have no possibility of applying for a restraining order despite the need for that as Lailo's case above proves.

### 5.5.1. Divorce

Chapter 3 discussed that due to the stigma attached to it women are unwilling to apply for divorce. Women only apply for divorce when they realize their husbands will not take them back.

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<sup>693</sup> Shelagh and Barbato, 1999.

<sup>694</sup> Shelagh and Barbato, 1999, p. 57.

<sup>695</sup> Dutton, M. 1992-1993. "Understanding Women's Responses to Domestic Violence: A Redefinition of Battered Woman Syndrome", in *Hofstra Law Review*, Vol. 21, pp. 1191-1220, p. 1205. Dutton draws on the differences of the definition of sexual assault given in the scholarly works (which observe a wider range of behaviour of sexual abuse) and a narrower definition provided in the legal system.

<sup>696</sup> Art 18, 19 on termination of marriage, Family Code of Tajikistan, 1998.



The Family Code requires that marriages between men and women be on voluntary basis and states that both men and women possess equal rights in the family.<sup>697</sup> The Code does not include provisions for marriage termination if one of the spouses is subjected to abuse. The Code also provides that men and women have an equal right to file for divorce and equal rights to jointly acquired property.<sup>698</sup> As a legacy of the Soviet law which provided protection for mothers and their children the Code prohibits a husband from filing for divorce if the wife is pregnant or if the child is under one and a half years old.<sup>699</sup> The Code provides that both parents are responsible for raising and supporting the children and in case of divorce the other party, the husband has to provide child maintenance.<sup>700</sup> Dissolution of marriage is granted if it is established that spouses ‘cannot live together’ and that ‘keeping the family together’ is no longer possible.<sup>701</sup> The time granted to spouses for reconsidering their decision varies, if both parties agree to divorce they are given 30 days of reconciliation period.<sup>702</sup> If one of the spouses is missing or unwilling to divorce the period of reconciliation can last up to 6 months.<sup>703</sup> While waiting for the court decision, the woman cannot expect child maintenance. In divorce hearings, the person who filed for divorce must give a plausible reason why the marriage is over and that reconciliation is not an option.<sup>704</sup> In theory, according to the Family Code, the woman and her children are entitled to half of any jointly acquired property.<sup>705</sup> However, in practice, it is extremely difficult to give effect to this law. First of all, the property has to be in the name of the husband or the wife. Usually, the property is not in the husband’s name, because it is shared with his parents and does not belong to him. Often it is believed that child maintenance is an option only for those mothers who are in registered marriages

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<sup>697</sup> Article 2 of the Family Code of Tajikistan.

<sup>698</sup> Article 17, The Family Code of Republic of Tajikistan, 1998.

<sup>699</sup> Article 17 of the Family Code prohibits the spouse from applying for divorce without the consent of his wife during her pregnancy and within one and a half year of the child’s birth. The Family Code of Republic of Tajikistan, 1998.

<sup>700</sup> Article 49, The Family Code of Republic of Tajikistan, 1998.

<sup>701</sup> Article 21-23, The Family Code of Tajikistan, 1998.

<sup>702</sup> Article 23, The Family Code, 1998.

<sup>703</sup> Article 22 (1), the Family Code of Tajikistan, 1998.

<sup>704</sup> However, even in that case spouses are given a reconciliation period, Article 22 (1) and Article 22 (2), The Family Code of Tajikistan, 1998.

<sup>705</sup> Article 38 and 39, The Family Code of Tajikistan, 1998.

because the Family Code recognizes only marriages registered with this institution and not marriages performed in accordance with the traditional practice *nikah*. However, Article 48-49 of the Family Code establishes how to establish paternity, once it is established it could provide the woman with an opportunity to seek child maintenance even in unregistered marriages.<sup>706</sup>

Since ‘unregistered’ marriages are not legally recognized women in these marriages are regarded as more vulnerable.<sup>707</sup> This is true because women in unregistered marriages will have fewer options under the Family Code than women in registered marriages and will have to overcome issues such as establishing paternity of their children. Anecdotal evidence shows that the number of polygamous marriages increased after the civil war in Tajikistan.<sup>708</sup> The war resulted in a shortage of men and many parents wished to marry off their teenage daughters out of fear (to avoid shame and disgrace, in case she were abducted or raped), for financial benefit, or to avoid the shame associated with having unmarried daughters.<sup>709</sup> In addition, as has been discussed in chapter 3, other changes such as migration also left many girls and women without the possibility of marriage. In an attempt to solve the situation, a number of NGOs have argued for polygamous marriages (currently a criminal offence) to be legalized.<sup>710</sup> They argue that legalizing this practice would provide second wives with legal protection, but there is little evidence that this would benefit the women in ‘unrecognized’ marriages. Legalizing this practice would only benefit and enhance the gendered cultural attitudes, norms and expectations. Legalizing polygamous marriage would mean that more girls (teenagers) would be married off by their parents to become second or third wives.

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<sup>706</sup> Article 48-49, the Family Code of Tajikistan, 1998.

<sup>707</sup> Polygamy Research, 2002

<sup>708</sup> Currently, no statistical data are provided on the number of polygamous marriages in Tajikistan. The international and national NGOs state that there are a high number of polygamous marriages, but the government is unwilling to accept that such marriages exist or that their number has increased over the last few decades. This practice was first banned in the 1920s during the soviet era and remains a criminal offence.

<sup>709</sup> Polygamy, 2002.

<sup>710</sup> *Ibid*; also see Zakirova, N. “Tajik Women Want Polygamy Legalised” <http://iwpr.net/report-news/tajik-women-want-polygamy-legalised>, 21. Feb. 2005; Qasim, S. “Legal Limbo for Tajik Islamic Brides” <http://news.bbc.co.uk/1/hi/world/asia-pacific/8049981.stm>, 14 May, 2009.

Divorce is available for few women and remains a nonviable option for the majority of women, particularly those with little resources. Clearly divorce does not protect women from further abuse. An example of other countries suggests that the violence still continues even after intimate couples separate.<sup>711</sup> As Lailo's case above demonstrates, she feared that her husband would not stop abusing her even after she obtained a divorce and it was because of this that she requested the court specifically to ask her husband to state in writing that he would stay away from her.

As noted above, the presence of violence in the family against the wife and children alone is not regarded as enough to obtain dissolution of the marriage straight away. However, the findings based on the review of divorce cases in the field show that when filing for divorce women list among other reasons 'beating for no reason' as another reason for divorce.<sup>712</sup> The findings also show that quite frequently the courts' decisions in divorce cases contain a statement that the 'marriage is dismissed (along with other reasons) due to the beating of the wife for no reason'.<sup>713</sup> This could become one much needed way of identifying the number of women who file for divorce on the ground of domestic violence, since currently there are no mechanisms by which such data may be obtained (see chapter 2).

## 5.6. Conclusion

The presence of well-developed laws, and proper legal consciousness would be steps in the right direction. However, these steps have to be taken alongside measures to change attitudes of justice system officers, as well as victims, perpetrators and the wider society.

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<sup>711</sup> Kurz, D. 1996. "Separation, Divorce, and Women Abuse", *Violence Against Women*, Vol. 2, No63; Reihing, K. M.1999. "Protecting Victims of Domestic Violence and Their Children after Divorce: The American Law Institute's Modal", *Family and Conciliation Courts Review*, Vol. 37, No3.

<sup>712</sup> In the divorce cases reviewed (which were filed by the wife), the court decisions list the reasons for dismissing the marriage, and 'beating for no reason' is one of them.

<sup>713</sup> Article 22 (on marriage termination in cases where one the spouses does not agree to divorce), part 2 provides that if the court establishes that spouses can no longer live together and preserving of the family is no longer possible, and measures to keep the family together brought no results, the marriage can be terminated. Article 22 (1) provides that the court may provide the spouses with up six months for reconciliation, Family Code of Tajikistan.

Justice system officers' biased attitudes to VAW negatively influence women decisions in reporting and seeking justice. The enforcement of the laws and inadequacy with policing and prosecution of gender related crimes are issues unaddressed by the state CEDAW report and not fully addressed by NGOs. Although the law guarantees women their equal rights, in practise the lack of awareness of their rights, lack of community support, and the existing patriarchal views on women and her sexuality prevent women from challenging and fighting the violence.

Victims' stories reveal that the current legal system remains insensitive towards victims' needs and interests. The prosecution of VAW remains an issue. The police feel reluctant to interfere in 'family matters' and may abide by the same norms in their own families. Furthermore, the reliability of women victims is questioned by criminal justice system officers. Despite the many obstacles that women have to overcome to enter the justice system they do not see any positive outcome from it. Women continue to bear the responsibility for proving their honesty and innocence. Societal recognition of violent behaviour towards girls and women as unacceptable is required to dispel stereotypes and beliefs about VAW. Many women comfort themselves with the thought that hitting was there 'before them' for generations and will 'stay there after them' as an integral part of married life.<sup>714</sup> The long term effect of sexual and domestic violence on women and children is overlooked.

The next chapter discusses the state and non-state attempts to deal with and prevent VAW. It examines state and NGOs' initiatives directed at protection from and prevention of VAW. It also explores other factors that contribute to providing some form of safety from violence for women, such as extended families and the wider community's interventions in certain circumstances.

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<sup>714</sup> Interviewees: F16, F13, F23.

## 6. Extra-Legal, State and Non-state Responses to VAW

### 6.1. Introduction

This chapter focuses on state and non-state responses to stop and prevent VAW. The responses of the state and NGOs to VAW focus on increasing rights awareness among women, and gender sensitivity among state officials and justice system officers. Both state and NGOs institutions in Tajikistan rely heavily on the funding of international organizations, therefore the latter's contribution to the initiatives directed at the eradication of VAW is also discussed in this chapter. By discussing the formal responses of the state and NGOs to VAW this chapter aims to demonstrate that their attempts will be inadequate and ineffective if they do not direct their efforts at changing existing gender related stereotypes and roles. This chapter brings examples of how the state and NGOs programmes and projects contribute to enhancing the societal gender norms. In addition, it also draws on the experiences of some participants to demonstrate how other factors-informal interventions of neighbours, community, the presence of mothers-in-law and location contribute to the prevention of VAW.

### 6.2. International Funding of Women's Programmes

As discussed in previous chapters the political and socio-economic changes in Tajikistan weakened the economy of Tajikistan and disturbed social security and economic stability. Since independence Tajikistan has been reliant upon the financial assistance of international organizations in all spheres.<sup>715</sup> International institutions' encouragement and support also contributed to the state's response to women's rights and particularly addressing the issues of VAW in Tajikistan. International organizations value NGOs' potential input into the social development of the country and to avoid issues related to the imposition of values as well as using the resources and skills already present in the

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<sup>715</sup> USAID, 2006. *Tajikistan Economic Performance Assessment*, Nathan Associates Inc., pp. 19 and 21-23.

country.<sup>716</sup>

Almost all of the funding for the state programmes and projects developed in response to the state policies on enhancing women's rights and eradication of VAW comes from international organizations such as the Organization for Security and Cooperation in Europe Centre in Dushanbe (OSCE CiD),<sup>717</sup> United Nations Development Programme (UNDP),<sup>718</sup> USAIDS,<sup>719</sup> Swiss Development Cooperation (SDC),<sup>720</sup> American Bar Association Central European and Eurasian Law Initiative (ABA CEELI).<sup>721</sup> In addition to funding, international organizations invest in increasing the human resources and capacity of state and NGOs by organizing training and exchange programmes for professionals in these sectors to increase their understandings of domestic violence.<sup>722</sup> In 2002 and 2003 SDC funded a project titled *Training District Police Inspectors To Prevent and Avert VAW* facilitated by the Training Centre of the Ministry of Internal Affairs and the NGO *Centre for Psychological Assistance*, provided training for police officers to

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<sup>716</sup> The importance of civil society in advancing human rights around the world was highlighted at the annual United Nations conference for Non-Governmental Organizations which was held in Paris in September 2008. See <http://www.un.org/apps/news/story.asp?NewsID=27911&Cr=ngo&Cr1=paris>. I met with a representative of UNDP in Tajikistan (a local man) who noted that 'we believe by funding NGOs projects we help to develop human resources in the field of human rights, strengthen their capacity. They are better fit to implement projects in their own places than outsiders'. MCS6, 12 April 2009.

<sup>717</sup> See for more information <http://www.osce.org/tajikistan>

<sup>718</sup> See <http://undp.tj/>

<sup>719</sup> For instance, in 2010 USAID planned to allocate 1.1 million US Dollars to fight against human trafficking. For more information see the local newspaper <http://news.tj/en/news/usaaid-will-allocate-tajikistan-within-next-three-years-more-11-million-struggle-against-human-t>

<sup>720</sup> See more information on SDC activities in Tajikistan [http://www.swiss-cooperation.admin.ch/centralasia/en/Home/Activities\\_in\\_Tajikistan](http://www.swiss-cooperation.admin.ch/centralasia/en/Home/Activities_in_Tajikistan)

<sup>721</sup> For more information on the ABACEELI activities in Tajikistan see the official their website [http://apps.americanbar.org/rol/news/news\\_tajikistan\\_gender\\_equality\\_program\\_improves\\_access\\_to\\_justice\\_for\\_women\\_0311.shtml](http://apps.americanbar.org/rol/news/news_tajikistan_gender_equality_program_improves_access_to_justice_for_women_0311.shtml).

<sup>722</sup> For example, the Swiss Development Cooperation in Tajikistan has been involved in a programme with four areas (women's rights and domestic violence is among the four) which includes exchange of experts [http://www.swiss-cooperation.admin.ch/centralasia/en/Home/Activities\\_in\\_Tajikistan/Human\\_Rights\\_Programme](http://www.swiss-cooperation.admin.ch/centralasia/en/Home/Activities_in_Tajikistan/Human_Rights_Programme), last checked 13.09.2011; ABACEELI in cooperation with the Canyon County Prosecutor's Office hosted 15 legal professionals from Tajikistan in 2011. It was a three-month training for judges, prosecutors and defence attorneys to learn comparative principles of justice. See [http://apps.americanbar.org/rol/news/news\\_tajikistan\\_legal\\_professionals\\_complete\\_second\\_us\\_study\\_tour\\_0911.shtml](http://apps.americanbar.org/rol/news/news_tajikistan_legal_professionals_complete_second_us_study_tour_0911.shtml).

prevent and avert VAW in Dushanbe (the capital city) and Khatlon province.<sup>723</sup> Similarly, OSCE CiD supported a one-week programme where 20 police officers were trained to deal with domestic violence victims in June 2010 in Dushanbe.<sup>724</sup> At the opening of the course General Normatov, head of the Interior Ministry's Organizational and Inspection Department, noted that under the State Programme on Gender Equality an order was issued to establish a special unit on domestic violence and police officers who undergo the training at the course will be assigned in these units.<sup>725</sup> The course was led by two police officers from Turkey and the US, addressed issues like gender-based violence, gender-sensitive policing and social and cultural aspects of domestic violence.<sup>726</sup> It was the first time that employees of the Ministry of Interior received specialized training to work with domestic violence victims.<sup>727</sup>

The number of state officials and criminal justice system officers participating in these events is very low in a context where gendered and biased attitudes to family and VAW are still prevailing. Although it is a step forward in introducing and exposing these professionals to different approaches to VAW, it is hard to imagine that their attitudes, which persisted for years, will change if they go through a one-week workshop. Out of the 34 criminal justice system officers interviewed for this study only 3 had heard about some training provided by international NGOs or national NGOs but only one of them had some idea what the training was about.

### 6.3. Governmental policies on women's rights

In response to its obligation under the international human rights instruments, after the Beijing conference, the Tajik government has developed a number of programmes aimed at advancing women's position in society. It adopted a National Plan of Action for

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<sup>723</sup> Swiss Cooperation, "Assistance in Human Rights Treaty Reporting Tajikistan"; [http://www.swiss-cooperation.admin.ch/centralasia/en/Home/Activities\\_in\\_Tajikistan/COMPLETED\\_PROJECTS/Human\\_Rights,last checked 12.12.11](http://www.swiss-cooperation.admin.ch/centralasia/en/Home/Activities_in_Tajikistan/COMPLETED_PROJECTS/Human_Rights,last%20checked%2012.12.11).

<sup>724</sup> See Press Release: "OSCE Office in Tajikistan helps train police officers in supporting victims of domestic violence", 17 June 2010, <http://www.osce.org/tajikistan/69436>, last checked 20.11.2011.

<sup>725</sup> *Ibid.*

<sup>726</sup> *Ibid.*

<sup>727</sup> *Ibid.*

Enhancing the Status and Role of Women for the period 1998-2005 in order to ‘accelerate true equality between men and women’.<sup>728</sup> This programme aimed at ‘improving women’s health, ensure equal access to education, raise the level of economic and legal literacy and the standard of living, ensure equal rights and opportunities in all spheres of public life, prevent all forms of violence and reduce the exposure of women’s health to adverse environmental factors’.<sup>729</sup> This programme inspired NGOs to establish crisis centres to provide emotional and psychological support for women victims of violence.<sup>730</sup> Chapter seven of the state programme specifically deals with VAW in society and the home, while Chapter eight sets forth the actions that the programme should undertake.<sup>731</sup>

In addition to that, a Presidential decree on Enhancing the Role of Women in Society was issued in 1999. This programme entailed increasing women’s participation in public life and in the state institutions. It sets up a goal to achieve 30 percent of women in legislative, executive and judicial branches.<sup>732</sup> Up to date this indicator has not been achieved yet. Women in leadership positions constitute: 24 percent among civil servants and 20 percent among judges and in the upper chamber of parliament 4 women out of 34 members (12 percent) and 11 women out of 63 members in the lower chamber of parliament.<sup>733</sup>

On the basis of the Presidential Decree, the State Programme on Ensuring Equal Rights

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<sup>728</sup> National Action Plan for Advancement of Women for the years 1998-2005 (National Action Plan herein), 2001.

<sup>729</sup> National Action Plan; Also see Tajikistan’s CEDAW report, CEDAW Assessment Tool Report for Tajikistan, CEDAW/C/TJK/1-3.2005, Dushanbe.

<sup>730</sup> National Plan of Action, 2001.

<sup>731</sup> Gosudarstvennaya Programma Osnovnie Napravleniya GosPolitiki po Obespecheniyu Ravnikh Prav I Vozmojnostei Mujchin I Jenschin v RT na 2001-2010, (State Programme on Ensuring Equal Rights and Opportunities for Men and Women for 2001-2010), RT, 8 August, 2001, No 391.

<sup>732</sup> Ukaz Prezidenta RT ‘O Merakh Po Povisheniya Polojeniya Zhenshin v Obshestve’, 03.12.1999, No5 (Presidential Decree on Enhancing the Role of Women in Society).

<sup>733</sup> Tajikistan Shadow Report on the Realization of Convention of the Elimination of All Forms of Discrimination against Women, 2006. November, Dushanbe: OSCE, para 7 (a), p. 33-34.



and Opportunities for Men and Women for 2001-2010 was developed.<sup>734</sup> One of the actions in line with CEDAW is the prevention of the stereotyping of women's and men's roles through the media.<sup>735</sup> The programme outlines a number of steps to be taken, such as an anti-discrimination campaign in the media, increasing gender sensitivity among state officials, law enforcement officers, toughening penalties for VAW and developing an integrated and multi-sector approach to solving this problem.<sup>736</sup>

One of the problems with these instruments is the lack of proper implementation strategies. In her report, Dairiam (the special Rapporteur of the UN on Violence against Women) notes that the Action Plan fails to state how its goals will be achieved and is unclear as to how the achievement of certain outputs would contribute to the achievement of its goals.<sup>737</sup> Furthermore, Dairiam adds that, although it is stated that such plans are to be developed at the district level, only one district had developed such a plan, which simply copied the national goals.<sup>738</sup> Most of the stated measures envisaged in the policy were not implemented. There are no mechanisms available to evaluate and monitor implementation of these programmes, except for NGOs. The state Committee on Women and Family Affairs is assigned responsibility for implementing and overseeing the programmes' objectives (discussed below).

In 2005 the law on 'The State Guarantees of Equality of Men and Women and Equal Opportunities for Their Realization' was enacted.<sup>739</sup> This law for the first time provides a

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<sup>734</sup> In December 2010, a round table discussion of the programme and its accomplishments took place. See Kasimbekova, V. 2010. "Vipolnena li GosProgramma po Obeshpecheniyu Ravnikh Prav Muzhshin i Zhenshin" (Was the National Action Plan Successful) [http://ravzana.tj/index.php?option=com\\_content&task=view&id=131&Itemid=1](http://ravzana.tj/index.php?option=com_content&task=view&id=131&Itemid=1). Last checked, 3rd of March, 2010.

<sup>735</sup> *Ibid.*

<sup>736</sup> *Ibid.*; see also CEDAW//C//TJK/1-3, 12/d, p. 9.

<sup>737</sup> Dairiam, S. 2002. *Report of the Compliance of the Law of the Republic of Tajikistan with the UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW)*, OSCE Project, June, para. 68, p. 24.

<sup>738</sup> *Ibid.* This is also supported by this study's findings, at two regional women and family committees visited no action plans had been developed.

<sup>739</sup> Zakon RT O Gosudarstvennikh Garantiyakh Ravnopraviya Muzhchin i Zhenshin i Ravnikh Vozmojnostei ikh Realizatsii, 2005. (Law of the Republic of Tajikistan on State Guarantee of Equality Between Men and Women and Equal Opportunities for their Realization), No3, Mod. 129. Art. 1.

definition for the term ‘discrimination’.<sup>740</sup> This seems to put Art 2 of CEDAW into a legislative framework. Discrimination is defined as ‘any distinction, exclusion or restriction on the basis of sex, which is directed to weakening or to elimination of recognition of equality between men and women in political, economic, social, cultural or “any other” area’,<sup>741</sup> but this law does not have any binding effect on institutions which are assigned responsibility for its pursuing, neither does it provide enforcement provisions for individuals. The law also does not make specific reference to women’s rights. The current language in the law is gender neutral and does not recognize that women are in an unequal position in society.<sup>742</sup> There are no mechanisms put in place to ensure implementation of the law in practice.<sup>743</sup> So this law does not seem to have any significance or place within the Tajik legal system, it is not clear when and how to apply this law. In its assessment of the law, ABA CEELI concludes that the law fails to provide adequate means for victims to file gender-based discrimination complaints and receive proper remedies. Furthermore, it concludes that the law overlooks the issue of VAW.<sup>744</sup> It neither makes reference to VAW, nor defines it nor creates obligation for governmental institutions, police, prosecution and judiciary to enforce the provisions prohibiting discrimination against women in general and VAW in particular.<sup>745</sup> The law is not even known to the majority of criminal justice officers. During the fieldwork almost no law enforcement officers and prosecution and judicial personnel (with the exception of 1 participant residing in the capital city and the deputy to the prosecution office in one of the regions) were aware of this particular law.

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<sup>740</sup> Art. 1, of the Law of the Republic of Tajikistan on State Guarantee of Equality Between Men and Women and Equal Opportunities for their Realization, 2005.

<sup>741</sup> Zakon RT O Gosudarstvennikh Garantiyakh Ravnopraviya Muzhchin i Zhenshin i Ravnikh Vozmojnostei ikh Realizatsii, 2005. (Law of the Republic of Tajikistan on State Guarantee of Equality Between Men and Women and Equal Opportunities for their Realization), No3, Mod.129, Art. 1.

<sup>742</sup> ABA CEELI Research and Program Development. 2005. *Analysis of the Law of the Republic of Tajikistan on State Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights*, 1 November, Washington, CEELI, p. 2.

<sup>743</sup> ABA CEELI, 2005, p. 9, 15-20.

<sup>744</sup> ABA CEELI, 2005, p. 5.

<sup>745</sup> *Ibid.*, pp. 7-8, 15.

### 6.3.1. Committee on Women and Family Affairs

A Committee on Women and Family Affairs under the government was set up in 1990s.<sup>746</sup> This Committee has taken part in drafting and implementing programmes for the socio-economic development and advancement of women and the protection of the family, maternity and children. This Committee however is not a new unit within the state, as during the Soviet era a similar governmental committee (*zhensovet* - women council) existed.<sup>747</sup> The Committee on Women and Family Affairs is assigned the responsibility to promote and implement policies leading to the 'advancement of women in all spheres of the public life of the State'.<sup>748</sup> The committee exists at the national, district and municipal levels.

The Committee on Women and Family Affairs has developed (along with NGOs) programmes directed at promoting women's rights and eradicating VAW. The committee adopted a joint action plan to implement the final recommendations of the UN Committee for implementation of CEDAW.<sup>749</sup> There is significant ignorance on gender matters among state officials who are predominantly male and who view gender as an irrelevant element especially when it concerns economic development, and reform of public administration.<sup>750</sup>

Although the current Committee on Women and Family Affairs is regarded as the national programme coordinator, local governments, Ministries and departments remain main executors.<sup>751</sup> The Committee is responsible for overseeing reform but it lacks any power to oblige ministries to comply with state equality policies. Each ministerial unit

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<sup>746</sup> Postanovlenie Pravitelstvo Respubliki Tadjikistan, No608 ot 28 Dekabrya 2001 (State decree of Republic of Tajikistan, No608, 28<sup>th</sup> of December, 1998).

<sup>747</sup> Buckley, M. 1989. *Women and Ideology in the Soviet Union*, New York, London, Toronto: Harvester Wheatsheaf, pp. 60-105. Initially, *zhenotdel* played a significant role in mobilising thousands of women, although it faced challenges and criticism of its work's efficiency, and its role in promoting women's rights was reduced in later years. Buckley, 1989. See also, G. Browning, 1985. "Soviet Politics-Where are the Women?" in B. Holland (Ed.), *Soviet Sisterhood: British Feminists on Women in the USSR*, Fourth Estate: London, pp. 207- 236.

<sup>748</sup> CEDAW/TJK, p. 9.

<sup>749</sup> Coalition, 2009, p. 10.

<sup>750</sup> *Ibid.*, p. 13.

<sup>751</sup> Shadow Report, 2006, p. 21.

has a women's group which is responsible for increasing awareness of ministerial staff on gender issues, but employees at district and municipal level work on a voluntary basis and have to combine their core duties with their volunteering. In most cases, members of women's groups are not involved in the development of the ministry's strategies.<sup>752</sup> The Women and Family Affairs Committee lacks the capacity to ensure gender mainstreaming in all ministries and requires the support of ministries. The current committee also lacks financial and political independence (as was the case during the Soviet period).<sup>753</sup> There are no mechanisms set up to ensure effective monitoring and assessment of implementation of gender policies. The only alternative to the Committee on Women and Family Affairs to ensure overseeing implementation of national relevant policies are national NGOs which possess more independence as they do not rely on the funding from the state although they do depend on the funding from international organizations.

#### **6.4. Joint programmes of state, international and national NGOs**

A number of joint programmes between international organizations, the state institutions and national NGOs have been launched which are aimed at gender mainstreaming and increasing gender sensitivity among state institutions. In April 2008 an agreement was signed between the state Women and Family Affairs Committee, Ministry of Agriculture, the Ministry of Land Reclamation and Water Resources, the State Committee for Statistics, the Land Agency, the Institute for Upgrading Civil Servants Skills and the UNIFEM (now UN Women) regional office which was then handed over to the Coalition of NGOs.<sup>754</sup> Under this agreement ministries promised to establish gender groups and assign them the responsibility of incorporating gender approaches into ministerial policies and activities.<sup>755</sup> The coalition of NGOs will assist these groups to increase gender awareness among state officials.

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<sup>752</sup> Coalition of Public Associations, *From Equality De Jure to Equality De Facto*, 2009. "Basic Directions of State Policy to Ensure Equal Rights and Opportunities for Men and Women in the Republic of Tajikistan for 2001-2010", Dushanbe, p. 11. (Herein Coalition, 2009).

<sup>753</sup> See Buckley, 1989.

<sup>754</sup> Coalition, 2009, p. 9.

<sup>755</sup> *Ibid.*

NGOs, with the support of above mentioned international organizations, assist the government to fulfil its obligations under international law through their joint collaboration with governmental institutions, particularly the Women and Family Affairs Committee. NGOs jointly with the Women and Family Affairs Committee run projects and programmes designed for women's empowerment which includes workshops on cookery, knitting, jam-making and sewing and computer classes for women.<sup>756</sup> In order to respond to VAW a number of crisis centres were opened and hotlines set up to provide services such as legal consultation, medical and psychological advice for women victims by NGOs. Such centres aim to provide women victims of violence with legal advice. There are few places where women can seek assistance and seek shelter in Tajikistan. The stories of participants of this study mentioned above indicate that one of the contributing factors that prevent women from escaping abusive relationships is the lack of adequate resources, and housing facilities.<sup>757</sup> The findings of this study in chapter 4 demonstrate that frequently women do not leave because they have nowhere to go when they experience violence. The findings also support the view that there is a lack of awareness among women about the options they have under the legal system.<sup>758</sup> The very few places where women can seek legal assistance and shelter in Tajikistan are outlined below.

### 6.4.1. Shelter

The example of other countries, such as UK and US show that refuge or shelter is at the heart of battered women's movement because it provides women with a physical place where they can temporarily escape from abuse, feel safe, get in contact with other women victims of abuse and decide what to do next.<sup>759</sup> Dobash and Dobash highlight the

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<sup>756</sup>I interviewed a recipient of a presidential grant about her project, which involves her teaching young girls and women sewing and tailoring of the traditional/national dress. Interviewee F20.

<sup>757</sup> Amnesty International. 2009. "Violence Is Not Just A Family Affair: Women Face Abuse in Tajikistan", Stop Violence Against Women, London: Amnesty International Publications; Falkingham, J. 2000. *Country Briefing Paper: Women and Gender Relations Tajikistan*, Asian Development Bank.

<sup>758</sup> Haarr, 2010.

<sup>759</sup> Dobash E. and R. Dobash. 1992. *Women, Violence and Social Change*, London: Routledge, p. 58; also Dobash, R. and R. Dobash, 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books.

importance of the refuge movement which began out of women's liberation movement and it gave an opportunity for women to discuss their 'horrific stories of violence' they experienced from their male partners;<sup>760</sup> it was this 'community meeting place for women ... [where] violence against women began to be defined as a problem of epic proportions'.<sup>761</sup> Refuge is a place where the definition of domestic violence evolved; initially when feminists set up refuges the battering was the violence women experienced, however, more women came to refuges and revealed their experiences (such as forced sex and a range of psychological and mental violence) which made it clear that physical violence was one aspect of domestic violence.<sup>762</sup> For Dobash and Dobash refuge is a place where words are translated into actions. It has a unique role in providing women with an opportunity for change.<sup>763</sup> Hague and Malos note that the refuge runs based on the following principles, self-help which means women helping themselves and others to establish independent services to fight against male violence, and empowerment which means empowering women, providing women with tools and power to resist male control and oppose other forms of discrimination.<sup>764</sup>

In Tajikistan NGOs reports<sup>765</sup> and the findings of this study demonstrate that housing is a major concern for women victims of violence. The previous chapters demonstrate that women if they wish to leave lack a place to go to. Many women are forced to go back to their parents when they divorce, as no other alternative is available. In order to assist women victims of violence a shelter was opened in 2006 by the NGO 'Gulrukhzor' with the assistance of OSCE CiD.<sup>766</sup> This shelter remains the only shelter available for women in the whole of Tajikistan. Women victims can stay up to fourteen days in the shelter. During the fieldwork, an employee of the shelter noted that 'after fourteen days usually husbands learn their lessons so they come to collect their wives and promise they would

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<sup>760</sup> *Ibid*, p. 25.

<sup>761</sup> Dobash and Dobash, 1992, pp. 25-26.

<sup>762</sup> *Ibid*.

<sup>763</sup> Dobash and Dobash, 1992, p. 58.

<sup>764</sup> Hague, G. and E. Malos. 1998. *Domestic Violence: Action For Change*, 2<sup>nd</sup> Ed., Cheltenham: New Clarion Press, pp. 38-41.

<sup>765</sup> Polygamy report, 2002.

<sup>766</sup> Shadow report, 2006, p. 19.

behave ... women do not mind being reconciled and it's for the best, after all you don't want to break up families'.<sup>767</sup> This view was shared by most of the employees of the shelter. Thus, there seems to be no expectations that shelters will provide a mechanism for women to permanently leave abusive environment. The shelter has 5 employees and it can accommodate up to 10 women. This shelter is a temporary escape from abusive husbands for women who are forced to leave by their husbands and are not accepted by their own families, and who can stay for a short period of time to let their husbands 'cool down' or 'learn their lessons'. This shelter does not seem to run based on the principles of empowering or self-help, it rather serves as a temporary place for women to stay while their husbands decide to come and take them back. This is hardly a case of providing women's with tools and knowledge to resist and oppose male dominance and violence. In no way does residing in this shelter helps women to empower themselves and learn to resist the patriarchal values, instead it teaches them to be patient and comply with these norms because even those who run and work in the shelter (that is the professionals involved in eradicating VAW) do not question these norms. Their stay in this shelter also reminds them of men's superiority and authority and their subordinate position. After all it is the man who decides to come and take his wife back home if he wishes so.

Another example where the existing gender stereotypes are enhanced further is the orphanage for young girls. Young (underage) girls who are left alone in the streets for various reasons are accommodated in an orphanage operating in the capital city which was also established with assistance from the OSCE CiD. This place provides young girls with an opportunity to continue with their basic education and learn other skills such as computer literacy, knitting and cooking.<sup>768</sup> During fieldwork visits to the orphanage it became clear that girls are subjected to strict control, their behaviour and movements are controlled and monitored by the staff. It was explained by one of the teachers in the following way:

'We need to keep an eye on them. Their families have turned their back on them or some have no families and are left on the street. We bring these girls here. If we don't watch them and let

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<sup>767</sup> Interviewee FCS6.

<sup>768</sup> Interview, deputy head of the centre, interviewee FCS7.

them talk to boys, they will soon become prostitutes. We are responsible for them. We don't want them to bring shame on themselves. They are future mothers...we provide them with education so that they can educate their children. They are our future. We don't want our girls to shame our nation'.<sup>769</sup>

This is another example of how girls and women are taught from childhood to comply with the gender expectations. They are taught from early years that their mobility and sexuality is controlled in order to avoid bringing shame and dishonour to their families, communities and even nation. Girls and women learn to comply with these norms and in cases when they fail they believe it is acceptable to be subjected to physical or psychological violence for they deserve it. Subsequently, they fail to identify that what is happening to them is not acceptable and that it is a crime.<sup>770</sup>

#### **6.4.2. Public Awareness about Women's Rights: Crisis Centres and Legal Clinics**

The government indicates in its CEDAW report that there are no laws and regulative acts that discriminate against women and that the legal system addresses human rights violations such as cruel physical or mental treatment and that what is left to do is to increase awareness among women about these laws.<sup>771</sup> Simultaneously, international and national NGOs have continuously emphasized the need to increase awareness among women about their rights.<sup>772</sup> This study's findings also support the need for increasing women's awareness about the legal remedies available under the legal system. Since the laws are believed to be in place, the government together with international and national NGOs is focusing on increasing women's awareness about their rights.

As part of the collaboration between the international, national and governmental agencies, a number of crisis centres (*krizisniy tsenter*) and hotlines (*goryachaya liniya*) for

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<sup>769</sup> Interviewee FCS7. Deputy Head of the orphanage for young girls. This is the only place for orphaned young girls who are brought from all over Tajikistan. Orphans are referred to this place. It is quite hard to be accommodated because there are few places available in this place, as young girls are given food, accommodation and receive basic education.

<sup>770</sup> Kelly and Radford, 1997.

<sup>771</sup> CEDAW//C//TJK/1-3, para 1 and 2, p. 2-5.

<sup>772</sup> Falkingham, 2000; Polygamy report, 2002.



women victims of violence and trafficking have been established in the country.<sup>773</sup> There are in total 13 crisis centres.<sup>774</sup> The majority of the crisis centres are located in certain places, such as the capital, Dushanbe, or in Khujand, and Khatlon region.<sup>775</sup> The encouragement for and funding of such centres and hotlines is provided by international organizations supported by national NGOs.<sup>776</sup> All four crisis centres that were visited during the fieldwork provide psychological, medical and legal advice. NGOs reports show that the number of women who visited the centre for various reasons has increased.<sup>777</sup> Among the reasons women visited crisis centres the most frequent were receiving threats or insults (15 percent) housing problems (14 percent), securing maintenance (10 percent), divorce (7 percent), physical harm (7 percent), problems with children (7 percent) and 'others' (15 percent).<sup>778</sup> There were no cases whereby a young girl or woman approached the centre because of 'abuse' committed by her family members and sought advice on how to prosecute them.<sup>779</sup>

For the majority of women (regardless of their social-educational background), these centres remain unknown and difficult to access, particularly for rural women. Among the female participants for this study only three had heard that there are women NGOs, all of them referred to the NGO *League of Women Lawyers* and two visited a crisis centre

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<sup>773</sup> Although there is a specific demand by the donors to focus on women and children's issues, the problem of women's abuse/spousal battering seem to be more popular among NGOs than others; for instance, corporal punishment is systematically used in schools to 'discipline' children as well as in homes, but no NGO project focuses on this particular issues, despite the persistent recourse to corporal punishment being mentioned in the recommendations of the Human Rights Committee. See, CCPR/CO/84/TJK, 18 July, 2005.

<sup>774</sup> CEDAW Shadow Report, 2006; Coalition, 2009.

<sup>775</sup> Out of the 13 one of them operates under the Women's Committee. All of them are funded by international donors. See The Coalition of Public Associations "From Equality *De Jure* To Equality *De Facto*", State Programme "Basic Directions of State Policy To Ensure Equal Rights and Opportunities for Men and Women in the Republic of Tajikistan for 2001-2010": Progress Evaluation Based on Public Monitoring Results, p. 60-61.

<sup>776</sup> See *Tajikistan Shadow Report on the Realization of Convention of the Elimination of All Forms of Discrimination against Women*, 2006 (herein Shadow report, 2006). November, Dushanbe: OSCE, pp. 19-22.

<sup>777</sup> Coalition of Public Associations, p. 61. Four crisis centres visited during the fieldwork gave different explanations of what goes under the category of 'others', which ranged from seeking advice on migration to drug related issues. FCS1, FCS3, FCS4.

<sup>778</sup> Coalition, 2009, p. 61-62.

<sup>779</sup> Crisis Centre for battered and trafficked women in Dushanbe and Khorog. Interviews with the legal consultants. Interviewees: FCS3, FCS6, FCS2.

(operated by the same NGO), the rest had neither heard nor were aware of their existence, purpose and whereabouts. During the fieldwork it became apparent women remain unaware of the objectives of such places since information about them is very scarce and limited including in larger cities. For instance, a national NGO advertised in a local newspaper in the capital city about a recently opened hotline. It consisted of three text lines, stating the name of the NGO, the number of the hotline and an indication that it is a *hotline (goryachaya linia)* without any further clarification of its purpose.<sup>780</sup> An NGO representative stated that informing the population about the setting up of hotline is one of the requirements of the funding received from international donors.<sup>781</sup>

In an attempt to raise public awareness about women's rights a number of steps have been taken by international and national NGOs in collaboration with state institutions. The US Department of State is funding the project of crisis centres in rural areas which started from January 2009, where lawyers provide legal assistance for women on filing child support and in applying for proof of property ownership.<sup>782</sup> In addition, as part of this programme the American Bar Association Rule of Law Initiative's (ABA ROLI's) that is overseeing implementation of the programme is working with a national animator and produced three short cartoons for television broadcast, which are described as 'Public Service Cartoons' (PSC).<sup>783</sup> The three PSCs are on: *Right to Child Support*, where one divorced woman informs another how to obtain child support after divorce/separation, emphasising that in relation to child support the court may decide in favour of the mother even with unregistered marriages; *The Need to Register Marriages*, where a couple marries, builds a house during their time in marriage, and the woman and her children are kicked out from the house, the latter then applies to court and the court decides that since the property is built during their joint married life, it is divided into

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<sup>780</sup> AsiaPlus, May, 15, 2009. p. 10. The newspaper was in Russian and so the advert was written in the same language. I was unable to find the same advert in a newspaper in the Tajik language.

<sup>781</sup> Interviewee FCS4.

<sup>782</sup> For more information on ABA CEELI in Central Asia see [http://apps.americanbar.org/rol/news/news\\_tajikistan\\_gender\\_equality\\_program\\_improves\\_access\\_to\\_justice\\_for\\_women\\_0311.shtml](http://apps.americanbar.org/rol/news/news_tajikistan_gender_equality_program_improves_access_to_justice_for_women_0311.shtml).

<sup>783</sup> *Ibid.*

two; and *Prohibition of Underage Marriage*, where the public is informed that marrying off under 18 years old daughters is a crime under the Criminal Code.

These PSCs refer to problems faced by women in an intimate relationship. In addition, one of the PSCs on the need to register marriages show a husband using aggression and then forcing his wife and children out of the house.<sup>784</sup> The cartoon fails to question and challenge the aggression of the husband. Instead the PSC merely calls upon women to ensure their marriage is registered so that when they are forced by the husband to leave, they can make a claim in court given that the house is registered under the name of one of the spouses and built during their life in marriage. None of the PSCs directly deal with violence within the family.

Due to societal and gendered norms that accept husbands' authority and provide them with the right to 'correct' wives if they fail to behave, the lack of awareness about these laws and failing to take action against abusive husbands is not surprising. It is obvious that women lack awareness about the legal system as the stories of women in this study illustrate. Despite the efforts of the NGOs and the state to increase awareness about women's rights under the national legal system among population, particularly women through workshops and training, the majority of the female participants who participated in this study lacked clear understandings on what women are entitled to under the laws in relation to personal matters. Awareness among participants about maintenance after divorce was very low, only a few participants had some idea about maintenance after divorce (six women out of thirty eight). Only three were aware that maintenance applies to registered marriages only (twenty five women who participated in this study were in registered marriages). Almost all of them lacked awareness on the procedure of how to apply for maintenance.

Increasing awareness would be an important step forward which would, of course, need to run alongside efforts to improve the enforcement of laws (chapter 5). Hence the role of

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<sup>784</sup> The cartoon can be found at [http://apps.americanbar.org/rol/news/news\\_tajikistan\\_gender\\_equality\\_program\\_improves\\_access\\_to\\_justice\\_for\\_women\\_0311.shtml](http://apps.americanbar.org/rol/news/news_tajikistan_gender_equality_program_improves_access_to_justice_for_women_0311.shtml), last time checked 06. 01.12.

these centres is vital to provide women victims with legal advice about legal options available to them. But this lack of awareness about available options is not only widespread among general public but even those who are directly involved in the field of women's rights (particularly in remote places). 'If there were such laws, our husbands would not beat us'<sup>785</sup> was noted by the head of a municipal Women and Family Affairs Committee. She herself was a victim of violence. She was subjected to violence by her husband. It was strikingly worrying to hear such a statement from someone who was on the committee that was responsible for increasing gender awareness among the local government officials, implementing the state policies on increasing women's equality along with men and eliminating VAW (as provided in the National Plan of Action). It is deeply worrying that despite the government's and NGOs' claims about the presence of legal remedies that can be used to deal with VAW the head of the Women and Family Affairs Committee replied that there were no laws to protect women from a husband's beating. However, interviews with heads and deputies of Women and Family Affairs Committee and some NGO employees (including legal advisers at crisis centres) proved that lack of awareness about those particular laws on physical violence, verbal assault was very common particularly in places outside the capital city.

The government claims to pursue 'a proactive policy to eliminate discrimination against women in all its forms' while at the same time remaining loyal to the political, economic and culture-specific realities in Tajikistan.<sup>786</sup> This approach provides a room for accommodating the existing stereotypes in the programmes aimed at enhancing women's rights and eradication of VAW. For instance, the continuous emphasis on preserving family unity enhances the belief that women's safety is less important than keeping the family together. In the shelter, orphanage and the crisis centres visited by women the

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<sup>785</sup> Interviewee F33, head of the municipal Committee on Woman and Family Affairs. Her case was considered as one of the few exceptions because her husband was a drug addict and this was believed to be the reason why he hit her severely. Her in-laws sympathized with her pain as did many other people but it was her fate and she had to accept it. She was living alone with her husband and the beating escalated even more. After a while she left, going to her parents' house but went back to her husband and his parents for similar reasons mentioned in previous chapters. She believed it was better that she stayed with her in-laws as she felt safer than living alone with her husband.

<sup>786</sup> CEDAW//C//TJK/1-3, pp. 1-6.

focus was on ‘keeping the family together’ which was also reflected in the advice given to women. In most cases the blame fell on women who were asked either to be patient, more tolerant and to try to change their behaviour to avoid provoking their husbands. In some cases the staff may decide to intervene which includes talking to the woman victim’s husband, as was the case with Nigina.

‘I attended a meeting with *shuroi zanon* [women’s union] of our mahala [community] and heard about the women committee and *krizisniy tsester* [crisis centre].<sup>787</sup> I have been married for 10 years now. My husband comes home drunk and keeps beating me. I cannot cope with him. I don’t have brothers to tell. My parents are old and cannot do anything. I decided to talk to the head of the women committee and the centre and see what they can tell me. I just want them to help me to stop my husband’s violence. I don’t want him to do it in front of our son. He is growing up and notices things around him. I explained my situation. She promised she would talk to my husband and ask him to come to his senses, to quit drinking and stop hitting me. She understood when I told her that it’s not fair that I have to work, find the resources for us to live and my husband goes and drinks and gets into debt and afterwards comes and beats me for no reason. She was nice and listened to me. After that, she came to our home one day and talked to him. She made him feel ashamed that he, the head of the family, instead of bringing in money and supporting us, gets into debt because of his drinking habit and then beats me for no reason. She said, “you [the husband] should be thankful that your household relies entirely on your wife”. He was very ashamed because it was true. He did not bring in any money and also beat me. After her visit, he stopped drinking for a while and even tried to find a job, but after a while it all started again. And this time, it’s even worse than before. I don’t think he will ever stop drinking. I went back there, but they told me it is hard to change him, but said they will try to come and talk to him again. They told me “unfortunately this is the burden of us [women], we have to be ready for all sorts of things in marriage”.’<sup>788</sup>

Nigina is one of the very few women who had heard about the committee and a crisis centre. However, even an awareness of them does not seem to give the women the confidence to trust these places. People remain sceptical about these places, as an interview with a man whose daughter was raped shows:

‘I visited the place [crisis centre] because my daughter was raped and they [police] did not do anything about it. They [police] got rid of anything they could to avoid prosecuting the man, because he paid them money. I came to the place hoping maybe they would help. Outside their office it’s written ‘we will help and defend your rights,’ but they don’t do anything actually. They told me there is nothing can be done, they told me I better drop it and return to my normal life, not waste my time. How can I do that, I am a father, my daughter’s life is ruined.’<sup>789</sup>

Similarly Gulnoz did not feel welcome and supported at the crisis centre she visited

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<sup>787</sup> Usually, in each community, the state Committee on Women and Family Affairs has a women’s union which delivers the messages of this committee to the community. In most cases women who run these places are either not paid for this job or paid very little. Information received in a regional Committee on Women and Family Affairs.

<sup>788</sup> Interviewee F11.

<sup>789</sup> Interviewee M4.

which added to her frustration and distrust in such places.

'Do you think they care really about you and your story, I doubt that. They didn't even listen to me properly. I entered the place, there was almost no one, I started looking for someone. A girl appeared and she asked me in an aggressive manner what I am after. I told her that I have some problems and I wish to speak with someone, she said we are very busy now and to come another day. It was hard for me to ask for time off from work to come the next day again, but I did, and another woman almost told me the same thing. I said please understand I cannot come every time because I am working, then she told me "it's up to you", I felt like crying, you feel desperate, you try to do anything, that's why I heard of this place and thought maybe I would be able to find help, but instead they treated me as if I was going to ask them for money. I don't think anyone really cares, if you are beaten by your husband, you are kicked out, there is nothing much you can do, where would you go, nowhere, nothing and no one will help and solve your problem. It means you have to find another man, become his second wife if he takes you and hope that he will get you a place to stay and will not kick you out.'<sup>790</sup>

Generally it seems that NGOs fail to focus on women's needs and instead focus on the competition for scarce resources. The Soviet system of universal job opportunities ceased to exist with the disintegration of the previous regime and the resulting socio-economic instability in the country led to a significant number of unemployed people. For many people the development of NGOs is the result of this instability and economic hardship and not a response to the needs of the people.<sup>791</sup> The objectives for setting up an NGO are perceived to be self-serving by Tajik society:<sup>792</sup> to create work for the founders of NGOs and their families, because of the opportunity to appropriate funding from international donors. Two participants noted that heads of NGOs used their private houses as offices and so paid their rent from the project funding received from international donors.<sup>793</sup> Most of the crisis centres form part of NGO activities directed at eradicating VAW or enhancing women's rights.<sup>794</sup> Usually it is prominent and established NGOs that receive

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<sup>790</sup> Interviewee F25.

<sup>791</sup> I draw this conclusion from interviews with participants.

<sup>792</sup> Apart from NGOs staff who participated in this study and two representatives from OSCE and UNDP, the rest of participants believed that was the case.

<sup>793</sup> On most occasions it was possible to verify such information. The heads of the NGOs explained that 'they did not think it was bad in any way, they will need to rent an office anyway, so what difference did it make?' When applying for projects, NGOs have to indicate the amount of money required for certain items, including rent. Fieldwork observation and interviews. Interviewees: F15, M3.

<sup>794</sup> As an example, Swiss Agency for Development and Cooperation (SDC) funded several projects on access to justice, domestic violence (Project to Reduce VAW (PROVAW)) and prevention of domestic violence (PDV). For the later the budget constituted 3,533,000 Swiss Francs.CHF. The PDV project (1999-2008) was for Khatlon Oblast and Dushanbe city. It included collaboration of international and local NGOs, government institutions of all levels. Additional information on this project and other projects funded by SDC at <http://www.swiss-cooperation.admin.ch/centralasia/en/Home/Search>.

such funding.<sup>795</sup> There is a widespread distrust of NGOs and their activities among the general public and even among those working within or with them. Zamira has been working for international organizations for twelve years and shared her views about the high level of corruption and its effect on NGOs and international agencies.

'I worked for international organizations for many years. There is a pressure on each division, say the human rights or women's unit to spend money it receives for the coming year for instance. If it does not spend all the money then next year it won't receive the same amount but less next year, so they try to find any projects which somehow meet the requirements. We have a big problem with corruption and it's affecting international organizations as well. In some international organizations the project money is sold...it means those who are responsible for selecting among NGOs projects make a deal with an NGO, which means they will take the money and share it among themselves. Usually it's local staff doing that, since there are some now in charge of the project budgets. Of course, NGOs have to provide financial reports on the money used but it's not difficult to get fake receipts. There are even places (shops) you make a deal with them, give them their share and it's done...At my previous job I could also influence my boss's decision to choose among the project proposals because they [expats] usually ask us [local staff] what we think about a particular NGO...some friends told me you can make lots of money, of course I didn't and they said I was a fool...' <sup>796</sup>

Johnson notes that 'while being essential to the initiation of domestic violence policies in post-Soviet polities where social capital and economic resources and infrastructure remain limited, foreign assistance can ... facilitate nepotism and, in the end, betray the transformative goals of global feminism'. <sup>797</sup> Foreign grants to domestic violence organizations may isolate them from society and potentially from each other, particularly when some of these organizations can monopolize funding. <sup>798</sup> During this study it became apparent in the field that the smaller NGOs find it more difficult to attain funding from international donors because the former tend to fund the well-established NGOs such as the League of Women Lawyers which creates tension among NGOs. Because of the tension among NGOs it might be difficult to establish solidarity and unity in the struggle against oppression and subordination.

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<sup>795</sup> The League of Women Lawyers is one of the prominent and well-established NGOs with branches in Sogd (the second largest region in Tajikistan) and Khatlon regions.

<sup>796</sup> Interviewee FCS4.

<sup>797</sup> Johnson, Janet Elise, 2007. "Domestic Violence Politics in Post-Soviet States", Oxford University Press, pp. 380-405, p. 398.

<sup>798</sup> *Ibid.*

## 6.5. 'Cultural' Specific form of Response to VAW

It is common for the wider public to blame girls and women for being provocative and intolerant and unprepared for married life.<sup>799</sup> Their 'unpreparedness' is believed to cause tension and disputes in the family and subsequently lead to violence or divorce. The NGOs aim to tackle the issue of VAW in various ways, taking into account the cultural 'specificities' of the context. For instance, in response to a perception that there is a high number of divorce cases and the large degree of domestic violence, a local NGO opened up a 'brides' factory', where girls (future brides) follow 'special courses' for three months in preparation for married life.<sup>800</sup> One of the teachers at the 'factory' is quoted in the newspaper as saying:

'It is quite possible to combine housework (the household burden) and at the same time look like a model. A woman must get everything done on time. If you want to work, then it means you have to get up at daybreak and manage to cook food for the whole day, do the laundry by sunrise and then greet your waking husband with a smile ... According to our Eastern mentality, a wife must please her husband, mother-in-law and father-in-law. There are small secrets which each woman has to remember. When a husband returns home from work, you have to feed him well, listen to him, not get on his nerves, keep him clean, iron his clothes, not talk too much and try not to get in his way when he is angry'.<sup>801</sup>

The head of this project notes:

'In eastern families, a girl of marriageable age has to be able to do everything and, usually, mothers teach their daughters that, but now they don't have time so parents are happy to send their daughters to us'.<sup>802</sup>

Girls are trained to become 'exemplary' wives, who must be patient, able to converse well, dress beautifully, cook tasty food, keep the household in order, put make-up on quickly, greet guests, give first aid when necessary and make handmade presents.<sup>803</sup>

The fee for this training is 140 US dollars, which is quite expensive, given that the

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<sup>799</sup>Polygamy report, 2002. A female legal adviser in one of the field offices of the NGO League of Women's Lawyers noted that one of the reasons for 'tension' in the family is that girls and women are not ready for marriage life, they do not how to cook, do basic things which causes tension and leads to violence. She noted that these girls think life in marriage like in movies, but it is not it is hard work, they have to be ready. Interviewee FCS4.

<sup>800</sup> Sarkorova, A. 2010. "Supernevestki iz Tadjikistana" (Super-daughter-in-laws from Tajikistan), 25. July, [http://www.bbc.co.uk/russian/international/2010/07/100723\\_tajik\\_brides\\_school.shtml](http://www.bbc.co.uk/russian/international/2010/07/100723_tajik_brides_school.shtml).

<sup>801</sup> Sarkorova, A. 2010. "Supernevestki iz Tadjikistana" (Super-daughter-in-laws from Tajikistan), 25. July, [http://www.bbc.co.uk/russian/international/2010/07/100723\\_tajik\\_brides\\_school.shtml](http://www.bbc.co.uk/russian/international/2010/07/100723_tajik_brides_school.shtml).

<sup>802</sup> Translated from Russian, *Ibid*.

<sup>803</sup> *Ibid*.



national average salary is around 30 US dollars a month. However, the newspaper reports that a high number of people wish to take part in the project.<sup>804</sup> Some women activists, psychologists and experts working for the project believe that this is a positive response to the high number of divorces and cases of domestic violence nationwide.<sup>805</sup> One of the women's groups' activists believes that this project is beneficial, as parents need no longer worry about their responsibility for teaching their daughters, and girls will acquire useful skills.<sup>806</sup> Despite this claim that the divorce rate is increasing neither the state report for CEDAW report 2005 nor in the shadow report 2006 nor in other reports<sup>807</sup> is the number of divorce cases provided. It may perhaps be true that divorce has increased, though Falkingham's study of 2000 reports that there was no sign of rising divorce, which until 2000 was 1.3 divorces per 1000 population.<sup>808</sup> Clearly this is outdated data and different factors, including labour migration (discussed in chapter 3) may have contributed to the number of divorce cases.<sup>809</sup> Nevertheless, even the high number of divorces does not in any way justify the existence of such factories. Such initiatives again shift the blame onto girls and women. Girls and women are criticized for their wish to marry while being unprepared for that, disregarding the fact it is the societal expectations that influence girls and women's decisions to enter marriages. It is the pressure to meet these expectations that drives many girls and women to enter marriages. Girls and women are criticized for lacking the patience to tolerate life in marriage which implies that violence is part of marriage and women have to tolerate it if they fail at their duties. These initiatives entail that women are to be held accountable for divorce, disintegration of the family and for the violence they experience. These initiatives that are directed at equipping girls and women with skills to deal with their situations, reinforce the gender stereotypes, and support the view of blaming girls and women for violence. If these NGOs continue

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<sup>804</sup> *Ibid.*

<sup>805</sup> *Ibid.*

<sup>806</sup> UNDP funded a project "Procurement and Manufacture of Wedding Dresses for Newly Married Brides", see <http://www.undp.tj/communitiesdb/resulttable.php>, KUL-98-KUL-WID-09.

<sup>807</sup> Khasanova, 2007; Bozrikova, 2004; Polygamy report, 2002.

<sup>808</sup> Falkingham, 2000, pp. 13-14.

<sup>809</sup> UNDP Tajikistan report states that divorce rates are high among labour migrants. In a poll among 5,500 labour migrants 42 per cent had divorced in 2008. UNDP, 2010. *National Human Development Report 2008-2009: Employment in the Context of Human Development*, Dushanbe, p. 113.

developing initiatives that maintain patriarchal values that subordinate women, in no way women would learn to challenge oppression and male dominance. In fact, it would also contribute to justify VAW, and to women's perceptions that if they experience violence it is only because they were not obedient.

It is true that many women do not consider separating from their husband due to the cultural, societal and economic constraints. There are different ways, however, for women to resist domestic violence which do not necessarily entail leaving an abusive relationship<sup>810</sup> which do not contribute to preserving patriarchal values but provide women with alternatives. For instance, Mahoney explores (while focusing on the Peace-building program for the Navajo population in the United States) how alternative programmes can be used that work better than the legal and conventional means of resolution.<sup>811</sup> These alternative programmes provide women victims of VAW with alternatives to separation and provide useful models in other situations which could be applied in other contexts like Tajikistan. Similarly, in Tajikistan, some women may wish to separate, but not necessarily from their husbands. Quite often, women wish to separate from their in-laws but not their husband. Jamol describes her vision of how to deal with husband and in-law pressure:

'I am sure if we lived separately and there was less involvement with his family and my family and others in our lives, we would feel freer and he wouldn't be under pressure to show that he is not a 'doormat'; that he is in charge'.<sup>812</sup>

Gavar sees the way to stop wife-beating in conducting some kind of education or awareness-raising:

'I don't know maybe some seminars with husbands ... if someone talked to husbands and convinced them that such actions are wrong. I don't want to separate from my husband, and he does not want either I think. I think if husbands are given psychological advice or something like that and if they are made to believe that it is not right to do that, then maybe they will stop'.<sup>813</sup>

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<sup>810</sup> Mahoney, M.1991. "Legal Images of Battered Women: Redefining the Issue of Separation", *Michigan Law Review*, Vol. 90, pp. 1-94.

<sup>811</sup> Mahoney, 1991.

<sup>812</sup> Interviewee F5.

<sup>813</sup> Interviewee F31.

Currently the responses of state and NGOs do not provide any form of training or workshops for ‘perpetrators’ of violence. However, examples of other countries<sup>814</sup> illustrate that including men (who are like women in not having been exposed to different views and therefore accept the norms and values as the only way of living) in the process and introducing them to discussions on VAW and increasing their gender sensitivity may contribute to eradication of VAW gradually. The change may be slow but it is worthwhile to provide alternatives.

## **6.6. Other Forms of Prevention of VAW**

### **6.6.1. The Role of Other Women in Prevention of VAW**

There are different ways to help women escape violence. Chapter 4 highlighted the role of mothers-in-law in coercing or inflicting violence on other women. However, they can also reduce the severity of violence or its occurrence. A similar situation has been noticed in other societies, where women act as peacemakers<sup>815</sup> or as protectors of younger girls from serious injury as this study’s findings demonstrate. Kern in her study further presents an example of the significance of female bonds in the reduction of violence towards women. In the community she studied, married women typically live near their mothers, and if a husband beats his wife, neighbours immediately alert her mother. Kern notes that the mother’s arrival on the scene, combined with the shaming look other women give the husband, is sufficient to stop the beating. What is striking in the study of Kern’s study is that unrelated women in this community help one another because they believe they are women too and it could happen to them as well. Women recognize the importance of alliance with female kin. Even in the ‘absence of strong bonds between related women, situations that foster female cooperation may lead to coalitions against

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<sup>814</sup> For a country specific example see: Peacock, D. and A. Levack. 2004. “The Men as Partners Program in South Africa: Reaching Men to End Gender-Based Violence and Promote Sexual and Reproductive Health”, in *International Journal of Men’s Health*, Vol. 3, No. 3, pp. 173-188.

<sup>815</sup> Kerns, V. 1999. “Preventing Violence Against Women: A Central American Case”, in Counts, *et. al.* pp. 153-167.

males'.<sup>816</sup>

Mothers-in-law also may play the role of 'peacemakers' and are expected to intervene in marital disputes and to prevent serious injuries.<sup>817</sup> This is relevant to the situation in Tajikistan.

During the fieldwork while staying with one of the families a young wife screamed while being with her husband in their room. The mother-in-law (Nozuk) who was in the kitchen went to see what was the matter, she saw the wife crying and the husband (her son) holding their one year old baby who was also crying. The mother-in-law asked what happened while taking the baby away from the husband, the wife and the husband explained that the husband thought she did not look after the sick baby who continued screaming and he slapped her because instead of focusing on the baby she started arguing with her husband. The mother-in-law shouted at both of them and told them they should think of the sick child instead of behaving like children. She also added to the wife that she should stop crying, it was only a slap, that she as a wife also experienced similar things before and things like that can be tolerated. She told her son that he has to control himself. She told them both that if you cannot live together then separate but do not behave like this and drive her crazy, she [mother-in-law] already has enough on her plate to worry about.<sup>818</sup>

The mother-in-law presence and interference perhaps stopped the violence from escalating. Although she condemned her son's behaviour she nevertheless did not question his authority or right to do so because as a woman her daughter-in-law was still expected to tolerate such behaviour.

### 6.6.2. Extended Family and Community Support

Location can equally contribute to a woman's experience of physical violence. The location of the violence plays a significant role in terms of a woman receiving serious injuries and the involvement of third parties. Feminist scholars suggest that, frequently, violence occurs at home in privacy, without outside witnesses.<sup>819</sup> If there are other witnesses it is quite likely they may interfere to stop the violence. For instance, Burbank in his study among a small community in Australia notes that, if neighbours or community members witness or hear violence being committed against a woman, she is

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<sup>816</sup> Smuts, B. 1992. "Male Aggression Against Women: An Evolutionary Perspective", *Human Nature*, Vol. 3, No1, pp. 1-44, pp. 13-14.

<sup>817</sup> Kerns, 1999.

<sup>818</sup> Interviewee F8.

<sup>819</sup> Pizzey, E. 1979. *Scream Quietly or the Neighbours Will Hear*, London: Penguin; Brown, 1999, p. 15.

less likely to be beaten because others may interfere to prevent it.<sup>820</sup> Neighbours and other community members are more likely to witness incidents of violence if they occur in public spaces.<sup>821</sup> From Burbank's study, it is clear that the use of aggression as a norm for handling anger and disputes permits spouses to fight each other; however, there are limitations with regard to how far the aggression can be taken.<sup>822</sup> In all cases, when the act of aggression happens outside the home, in front of other people, it is less likely for a girl or woman to receive serious injuries or be killed.<sup>823</sup> Similarly, in Tajik society, certain forms of violence, such as slapping, shouting and intimidation, are accepted outside the home and no one interferes if there is believed to be a reason for them even if they happen outside or in front of other family members. However, when physical violence becomes more serious and takes more severe forms, then neighbours or even passers-by may interfere to stop the act, as the story of Manija below demonstrates:

I was at home when he arrived; he was drunk. I thought maybe he went to see his mistress, so I asked where he had been and he replied that it was none of my business. I said you went to see your mistress and he started shouting and then started hitting me. I ran away from him and left the house; he followed me. There were people outside, our neighbours. I went behind a group of women [neighbours who are usually older women, who sit outside and chat] and he came after me. They started shouting at him: "Do you have any shame at all?" but he was trying to get hold of me, and at one point he did and started hitting me again, then the men [neighbours] came and held him. They told him to calm down. He started fighting them as well. One of them said, if you are so strong fight a man not a woman. The older man told him to calm down. They took him home. I didn't go home that day. One of my neighbours said I could stay with her. I was scared that, if I didn't go home, he would hit me even more afterwards or even kill me, but her husband said that my husband was sleeping and that it was better for me to spend the night with them so I did. The next day, I went home when he went to work. One of my neighbours [an elderly woman] felt sorry for me and told me that, unfortunately, we cannot escape from our destiny'.<sup>824</sup>

The place where violence against women occurs is therefore an important factor in dictating whether an intervention will occur. The notion of sanctions plays a role in community-based societies. Where there is little privacy, it is easier for the community to intervene when necessary, to stop the act of violence and mitigate its impact.<sup>825</sup> For

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<sup>820</sup> Burbank V. 1999. "Fight! Fight!: Men, Women, and Interpersonal Aggression in an Australian Aboriginal Community", in Counts, *et.al.*, pp. 43-52.

<sup>821</sup> Burbank, 1999, p. 49.

<sup>822</sup> *Ibid.*

<sup>823</sup> *Ibid.*

<sup>824</sup> Interviewee F10.

<sup>825</sup> Campbell, 1999.

instance, in Gulangez's case presented in Chapter 4 she lived separately from her in-laws and when she experienced severe forms of violence it was her neighbours who stopped her husband from further violence because he heard noises coming from her flat. In order to stop his violence she asked her brother to stay with them, knowing that the presence of someone, a relative would give her a temporary solution. Therefore, living in a communal space has positive aspects for women (family structure is discussed in chapter 3). This may prevent girls and women from suffering physical abuse, though not necessarily psychological pressure and intimidation. It is less likely that a girl or woman will be beaten up if other family members are present. She may not be exempt from slander or threats of physical abuse but it is rare for her to experience severe abuse.

## **6.7. Conclusion**

The lack of proper exposure to feminist discourses on VAW, control and power and the link to patriarchal norms, the role of the family, female sexuality and other factors, prevent NGOs and the state addressing the issue of VAW adequately. Both agencies fail to address and analyse the cultural context in which violence occurs, how society perceives VAW and how these perceptions excuse VAW. This becomes very clear when instead of eradicating the gender role expectations NGOs and state bodies develop programmes that further enhance the gender role expectations.

The government and non-government bodies emphasise the importance of increasing awareness among women about the legal provisions within the legal system, while neglecting to fully appreciate the socio-economic, political and cultural context. The previous chapters outlined the inadequate enforcement of the laws and the multiple challenges women face when accessing the justice system. Although NGOs along with state bodies and the support of international organizations attempt to increase gender-sensitivity among state officials, justice system officers, the scale of the coverage remains low. In addition, the issues faced by women do not seem to be fully covered in these initiatives. Providing seminars and establishing crisis centres where women are provided

with legal advice is a positive development to increase awareness among women of their rights within the legal system, but there are steps still to be taken to ensure that women's needs are fully met through improving their understanding of the context. As previous chapters demonstrate the socio-cultural norms disapprove of women who seek intervention, report their family members, and divorce their husbands. Girls and women are believed to be unprepared for married life and too impatient to cope with the situation which leads to tension and violence in the families. In addition, the steps taken by NGOs and governmental bodies in their attempt to respond to the situation further enhance the existing gendered norms. State and NGOs focus on specific aspects of VAW and aim this way to eradicate the phenomenon without attempting to fully understand the nature of VAW and resist from linking it to the wider context of power and oppression. In no way do the initiatives of the state and NGOs equip girls and women with tools to resist and oppress their subordinate position and male oppression. Women are not empowered and not taught to deal with their situations, instead their subordinate status is reinforced and women learn to accept it.

The state and NGOs will have to rethink their objectives and goals in their attempt to eradicate VAW in the country. VAW is linked to power and oppression and it is impossible to attempt addressing the issue of VAW effectively if women's subordinate position is disregarded. State and NGOs efforts will have little impact on providing women victims of violence with protection if existing gender norms are not challenged.

This study aimed to demonstrate the presence of strong patriarchal norms in the society which influence all people including those working in the field of women's rights. This has to be acknowledged and actors involved in eradication of VAW in the country will need to understand their own positions and contribution to enhancing these traditional norms. It also has to be acknowledged that the struggle against oppression and male domination is a struggle, particularly when dealing with VAW which requires constant assessment and evaluation of what works and what does not to ensure safety and protection for women and their children. This struggle against persistent patriarchal values cannot focus in a particular sphere but should be present in all sectors- schools,

academia, media and the legal system if social transformation is to be achieved. The following chapter concludes this study by proposing steps to be taken, hoping that these steps will assist in addressing the deep-rooted issue of VAW in the context of Tajikistan.



## 7. Conclusion

This thesis explored the issues of subordination of women in Tajikistan through studying the phenomenon of violence against women. In addressing the responses of state and non-state institutions and how the justice system works for women, this study engaged in the feminist discourse on women's individual experiences of violence, the 'woman question' in public and private, the construction of law and its effect on women and their subordinate position and how legal institutions and executive mechanisms construct the culture of inferiority of women in society.<sup>826</sup> It also aimed to investigate victims, perpetrators and the wider community perceptions of violence in Tajikistan. It aimed through analysing women's experiences of violence in order to reveal if the current responses accommodate the needs and interests of women. It aimed to assess the efficiency of these responses and identify shortcomings of state and non-state policies and programmes aimed at enhancing women's status in society and the eradication of VAW in Tajikistan.

This study is perhaps one of the very few studies written from a feminist perspective of VAW in Tajikistan. It differs from Haarr's<sup>827</sup> work on wife abuse in Tajikistan in that it focuses on women's individual experiences from an 'insider' perspective. The negative and positive aspects of this perspective are discussed in chapter 2.6 but despite all the dilemmas, this is a study about women and for women in Tajikistan conducted by a 'native', in the belief that this would lead to further research on the issue in Tajikistan based on a feminist approach. This study sees the significance on drawing on a feminist perspective in the feminists' explanations of the phenomenon of VAW compared to

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<sup>826</sup>See Dobash R. and Dobash, R. 1980. *Violence against Wives: A Case against the Patriarchy*, London: Open Books; Brownmiller, S. 1976. *Against Our Will: Men, Women and Rape*, New York: Bantam Books; Berns, N. 2001. "Degendering the Problem and Gendering the Blame: Political Discourse on Women and Violence", *Gender and Society*, Vol. 15, No. 2, (April).

<sup>827</sup>Haarr, R. 2005. "Violence Against Women in Marriage: A General Population Study in Khatlon Oblast, Tajikistan" Project to Reduce Violence against Women (PROVAW) in Tajikistan, Swiss Cooperation Office, Tajikistan; Haarr, R. 2007. "Wife Abuse in Tajikistan", *Feminist Criminology*, Vol.2, pp. 245-270.

sociological or psychopathological explanations. These last two approaches are important when studying VAW but they either excuse or justify the violence, or merely demonstrate a correlation between violence and socio-economic or behavioural factors. As discussed in chapter 4 they do not fully explain why VAW occurs in the first place.

This study does not claim to be a study of the prevalence of violence against women in Tajik society. However it is striking that every woman encountered during the fieldwork had experienced violence from different family members, male and female alike, within a domestic hierarchy of gender and age.

Five main issues have emerged from this study:

- The persistence of gender ideologies and unchanged attitudes that perpetuate violence towards women and restrict women's choices;
- Poor formulation of the concept of domestic violence or VAW;
- Poor application of the law, because VAW is still regarded as a family matter;
- NGO and State responses perpetuate gender stereotypes;
- There are limited choices for victims of violence.

These issues are interwoven but it is also important to look at them individually to develop better strategies. Below I discuss the issues in more detail and finally make some recommendations.

## 7.1. Persistence of Gender Ideologies

Chapter 2 explains the negative attitudes to feminism in Tajikistan, even among those involved in the eradication of VAW. A feminist perspective was used because it emphasises 'personal' experience and rests on the premise that 'the personal is political'<sup>828</sup> and that truth is based on the real, daily, and 'trivial' experiences of individuals.<sup>829</sup> I did not attempt to claim that a 'holistic' picture of VAW in Tajikistan is captured through this

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<sup>828</sup> Schneider, E. 1991. "The Dialectic of Rights and Politics: Perspectives from the Women's Movement", in K. Bartlett and R. Kennedy (Eds.) *Feminist Legal Theory: Readings in Law and Gender*, Oxford: Westview Press, pp. 318-332; Mies, M. 1993. "Towards a Methodology for Feminist Research", M. Hammersley (Ed.) *Social Research: Philosophy, Politics and Practice*, London: SAGE Publications, pp. 64-82.

<sup>829</sup> Schneider, 1991, p. 320.

empirical study. This thesis is based on the view that the subordination of women to men is 'socially institutionalized, cumulatively and systematically shaping access to human dignity, respect, resources, physical security, credibility, membership in community, speech and power'.<sup>830</sup> I have provided an opportunity for women's voices and stories to be heard. These represent only a segment of women's experiences in the country.

One of the key findings of this study is the persistence of gender ideologies in Tajikistan, which contribute to the persistence of VAW. Merry notes that 'diminishing violence against women requires cultural transformation'.<sup>831</sup> The State and NGOs must recognize this imperative in their responses. Harne and Radford observe that the primary preventive strategy for stopping violence involves 'challenging the institutional acceptance of male dominance as well as challenging social attitudes towards domestic violence itself'.<sup>832</sup> This study establishes that the State and NGOs' disregard the strong influence of patriarchal values pertaining to male dominance and female subordination. This leads to a number of negative consequences, which are highlighted throughout the thesis. This thesis argues that without recognizing the influence of these values and addressing them, responses of the State and NGOs will not be effective, as the example of the Soviet Union demonstrated in chapter 3. Although during the Soviet era attempts were made to change the position of women in society, no real attempts were made to challenge existing gender stereotypes. During the Soviet period women achieved an impressive level of emancipation, particularly in education, employment, health care, and legal rights and in matters of family and personal status.<sup>833</sup> However, despite this, women's status in general remained flawed with contradictions and duality. Equality existed only superficially in Tajikistan and once the Soviet system collapsed women's position in society declined.

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<sup>830</sup> MacKinnon, A. C. 1992. "From Practice to Theory, or What is a White Woman Anyway?", *Yale Journal of Law and Feminism*, Vol. 4, No13, pp. 13-22, p. 15.

<sup>831</sup> Merry, 2006, p. 25.

<sup>832</sup> Harne L. and J. Radford. 2008. *Tackling Domestic Violence: Theories, Policies and Practice*, p. 147.

<sup>833</sup> See for instance, Tadjbakhsh, S. 1998. "Between Lenin and Allah: Women and Ideology in Tajikistan", *Women in Muslim Societies: Diversity within Unity*, Herbert L. Bodman and N. Tohidi (Eds.), Boulder, London: Lynne Rienner Publishers, pp.163-188; Akiner, S. 1997; Collette, H. 2004. *Control and Subversion: Gender Relations in Tajikistan*, London: Pluto.

Chapter 3 also demonstrated that as women age they gain authority and that violence towards them tends to decrease.<sup>834</sup> Chapter 4 identified the role of women in contributing to preserving the 'good' name of the family and its members. Older women actively engage in ensuring compliance of both male and female members (including daughters, sons, daughters-in law) of the household with gendered norms and expectations. That is perhaps one of the reasons why a mother-in-law and not a father-in-law is identified in NGO reports as a potential perpetrator of violence against daughters-in-law.

Chapters 3, 4 and 5 demonstrate that compliance with the gender norms and performance of these images in public determines men and women's behaviour, including physical violence. Men's 'manhood' or 'manliness' is judged by the community (male and female) in the behaviour of his household members, particularly the public behaviour of womenfolk. Hence, there is an acceptance and approval of physical assault of girls and women even by justice system officers (chapter 5). The societal norms that condone the use of violence when it is 'necessary' and the widespread belief that 'nobody would beat an obedient woman' place the blame on women. This discourages women from speaking about the violence they experience.

On the other hand, chapter 6 also establishes a positive contribution of family members and neighbours to women's safety. The evidence suggests that when there are other family members present, women are less likely to experience (severe) forms of violence. When violence is believed to go beyond the accepted limits, family members or neighbours interfere to stop it. The shift to the nuclear family may therefore increase the risk of violence towards girls and women.

### **7.1.1. Poor Formulation of the Concept of VAW**

Another key issue that this study reveals is the poor formulation of the concept of VAW in Tajikistan and its subsequent negative effect on women victims and professionals involved in the process of eradicating VAW. As explained in chapter 2 every woman

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<sup>834</sup> Haarr's work also reports this. See Haarr, 2007, p. 265.

encountered during this study had experienced some form of violence. However they did not see themselves as ‘victims’ of violence, because violence is perceived only in its extreme forms. Women in Tajikistan are not aware that what is happening to them is unacceptable and a crime. This issue was covered in chapters 4 and 5. Chapter 4 draws on the importance of identifying VAW. If a woman does not know that what she is experiencing is violence she is not able to report it.<sup>835</sup> The small changes in the official formulation of the concept of VAW in the context of Tajikistan has had very little or no impact on wider public perception of VAW.

Furthermore, chapter 4 also establishes that this inability to determine incidents of VAW as criminal is common among justice system officers, whose responses to VAW are influenced by their negative and biased attitudes to VAW and towards victims of VAW. Chapter 4 draws on the different ways in which VAW is explained and formulated, particularly within feminist scholarship. In the context of Tajikistan the terms ‘VAW’ and ‘domestic violence’ remain unformulated and ambiguous for different agents. The lack of a working definition leaves legal and non-legal professionals, and national NGOs involved in the eradication of VAW to develop their own understanding of VAW. Their understanding is either limited or in accordance with the patriarchal values that perpetuate violence. The newly introduced terms in Russian and Tajik languages are hardly known even among NGO representatives, police, prosecution and judiciary. Currently wife beating is recognized as a prevailing phenomenon, where perpetrators are ‘husbands’ and ‘mothers-in-law’ and the victim is ‘the wife’. This study establishes that such a narrow understanding of VAW disregards the negative impact and consequences of different forms of VAW on girls, thus further marginalizing them.

### **7.1.2. Poor application of the law**

This study reveals that as a result of strong gender ideologies and poor understandings of VAW application of laws in Tajikistan remains a major issue. Chapters 4 and 5 also demonstrate the influence of gender norms on justice system officers, which reflect in

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<sup>835</sup> Kelly and Radford, 1997, p. 20.

their attitudes to family and VAW and their approach to dealing with incidents of VAW. VAW continues to be regarded as a 'private matter' (chapter 5). Harne and Radford, studying responses to domestic violence in the UK, suggest that the power of cultural attitudes should not be underestimated because they lead to the development of myths about domestic violence.<sup>836</sup> These myths convey 'woman-blaming' and 'excusatory attitudes' to domestic violence that affect all sectors and members of society.<sup>837</sup> Professionals are not exempt from such influence and these actors inevitably influence 'representations of domestic violence in popular discourse and influence the attitudes of and responses to survivors on the part of judges, lawyers, police and the caring professionals.'<sup>838</sup> The stories presented in chapter 4 and 5 clearly indicate that justice system officers' attitudes had a negative impact on women's decisions to take any formal action. If women do not feel supported and their cases are not handled adequately they feel discouraged to stand against their oppressors.

Chapter 5 considers the treatment of VAW within the legal system, and the civil and criminal options available for victims of VAW. It has become apparent that women perceive the reluctance of police and prosecutors to deal with their cases results from the way in which VAW continues to be regarded as a 'family matter' or 'private matter'.<sup>839</sup> Introducing laws does not make justice system officers pro-active in their responses to VAW. In addition, this chapter also provides evidence from the field that police and prosecution officers blame victims for the violence they experience.<sup>840</sup> Police officers' attitudes influence their decisions to take VAW seriously as observed in some works<sup>841</sup> and supported by the data from the field. Prosecution and sentencing decisions disregard the needs and interests of the victim and instead focus on saving the good name of the victim's family or the defendant to avoid criminal liability (chapter 5.3). The blame is

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<sup>836</sup> Harne and Radford, 2008, pp. 17-18.

<sup>837</sup> *Ibid.*

<sup>838</sup> Harne and Radford, 2008. p. 18.

<sup>839</sup> Dobash and Dobash, 1980.

<sup>840</sup> See also Jordan, E. 2008. "Intimate Partner Violence and the Justice System: An Examination of the Interface", in Freeman, pp. 121-144.

<sup>841</sup> Dobash and Dobash, 1980.

placed on women victims for ‘misbehaving’ and failing in their gender performances. Hence, victims face multiple challenges if they wish to use the law to receive any redress. This unfavourable environment discourages many of them from seeking formal intervention (chapters 5 and 6).

### **7.1.3. NGOs and State’s responses perpetuate gender stereotypes**

This study analyzed the responses of state and non-state actors and reveals that much of the efforts directed at enhancing women’s position in society and eradicating VAW are flawed because they contribute to maintaining gender stereotypes. The funding for projects directed at elimination of VAW in Tajikistan predominantly comes from international organizations. Therefore, the role of international organizations is highlighted in chapter 6, where their financial and human and technical support is analyzed. This thesis had hoped to demonstrate that these institutions can provide an ‘impetus for change’<sup>842</sup> and influence the development of effective programmes in addressing VAW. However during this study it became apparent that these institutions indirectly (and perhaps without wishing to) contribute to enhancing the gender roles and stereotypes in the country by being overly respectful of the local context, through funding programmes, which continue to preserve patriarchal values. These programmes do not equip women with necessary tools and empower them (chapter 6). Women do not gain self-worth but instead continue to blame themselves for the violence they experience: a view that is very common and widespread in Tajik society (this is most obvious in the example of the brides’ factory, chapter 6.5). For instance, in the only shelter available, women seem to be reminded that the only way they can avoid violence and being judged is if they do not provoke, remain patient and comply with their gender roles. They are also reminded that when violence occurs, they should keep it to themselves and within the family (discussed in chapter 6). Girls and women in Tajikistan who seek solutions to their problems quickly learn that their problems are inadequately

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<sup>842</sup> Carrillo, R. 2002. “Overview of International Human Rights Standards and Other Agreements and Responses of the Judicial System to Violence against Women”, in *International Journal of Gynecology and Obstetrics*, Vol. 78, pp. s15-s20, p. s20.

responded to and the only way for them to deal with their situation is to learn to be patient. Clearly, there is a need for shelters in Tajikistan but these places have to empower if they wish to leave abusive environment.

Evidence suggests that the current responses by State institutions and NGOs will need to be improved to adequately respond, as they currently fail to empower women to deal with their situations. The current policies and programmes are not working in their favour or responding to their needs. Relevant State bodies (such as the Committee on Women and Family Affairs) and women NGOs do not call strongly for changes in public policies and the legal system, believing the mentality in Tajikistan is different (chapter 6). This study supports Merry's argument that human rights initiatives must emphasize individualism, autonomy, choice, bodily integrity and equality: ideas which are embedded in the legal documents that constitute human rights law.<sup>843</sup>

This thesis concludes that VAW occurs because it is socially and culturally approved and accepted by all members of society. It occurs because for women, men and the professionals involved it is difficult to name and identify it. It happens because there is no cultural emphasis to regard such degrading practices as unacceptable. It happens because despite the laws, which cover aspects of VAW, their enforcement remains problematic. Those involved in dealing with VAW are unclear about what constitutes VAW and bring their biased attitudes when handling such cases. Women are not protected under the law. They are not aware of the few options available to them and they are discouraged by multiple difficulties if they decide to seek resolution and justice.

When the government came to recognise VAW as a social problem, together with international and national NGOs they adopted a number of programmes in response. The State and NGOs' should address the five issues identified at the start of this chapter as part of their declared aim to reduce the level of VAW in Tajikistan.

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<sup>843</sup> Merry, 2006.



#### **7.1.4. The Limited Choices For Victims**

Despite the interventions of government and NGOs, women who suffer violence in Tajikistan still have limited options for protection. This arises because of the way in which gender roles are reinforced within the family. Chapter 3 reveals that the importance of family and marriage as the only viable existence creates an obstacle for women to leave an abusive environment. The stigma attached to being 'divorced' or 'separated' compels them to remain 'married' rather than leave. The reputation of girls and their families' honour are more important than women avoiding the abuse. Thus, neither women nor their families wish them to divorce. Subsequently, women are forced to enter bigamous and polygamous marriages. As a result a number of NGOs proclaim that the only way to reduce vulnerability of women in bigamous and polygamous marriages and provide them with better protection is by legalizing these marriages which currently continues to be a criminal offence. This study supports the view of some NGOs' that women in bigamous marriages are more vulnerable but it does not share their view that legalizing bigamy will improve these women's position or provide them with better options. Marriage and family should not come at the expense of women's safety.

This study reveals that social norms legitimize family members' abuse towards girls and women who accept it as part of their daily lives as sisters, daughters and wives. Women are trapped in these norms and forced to believe that if they are 'obedient' they will not experience violence. Chapter 3 also shows how mothers engage in ensuring their daughters' compliance with gender norms, believing that if they comply they will not be subjected to violence.

Apart from the limiting of choices within the family this study also identified evidence in the related areas of legal and physical protection where the choices of women are constrained. Thus there is no access to a legal 'restraining order' or injunction in the legal system of Tajikistan. Lailo's case discussed in chapter 5 shows the necessity for post-separation protection for victims of violence. Clearly violence may not stop after divorce or separation. Restraining orders may restrain the former husband's access to the wife and

reduce the possibility of being abused after separation.<sup>844</sup> For instance in other societies, for example in the UK, non-molestation orders are available which offer protection to family and other ‘associated’ persons from a very wide range of violent and harassing behaviour.<sup>845</sup>

There is also a need for more shelters. Shelters can provide women with an escape and help them to stand on their own feet if they wish to leave an abusive environment. These shelters can serve as a place to inform and equip women with tools to deal with their situations, support their decisions to leave such an environment.<sup>846</sup> In other countries, such as UK and USA, the shelter or refuge is a place where the definition of domestic violence or VAW evolved, developing from physical violence, to other forms of violence.<sup>847</sup>

## 7.2. Further action

This study concludes that in Tajikistan women’s subordination is rooted in and perpetuated by social norms. Despite the efforts of the state to adopt public policies directed at enhancing women’s position in society and women’s rights, real equality remains absent. The phenomenon of violence against women (VAW) can be attributed to the traditional unequal position of women, which has been adversely affected by more recent socio-economic changes. Hence, the role of both state and non-state actors becomes critical in addressing the phenomenon of VAW and the oppression of women in society. However, there is also a danger that these actors may be driven by their own agendas, which could prevent them from achieving the real goal: the eradication of VAW.

Apart from the state, actors such as NGOs also contribute to the development of public

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<sup>844</sup>Topliffe, E. 1991-1992. “Why Civil Protection Orders are Effective Remedies for Domestic Violence but Mutual Protective Orders are Not”, *Indiana Law Journal* No67, pp. 1039-1066; Mahoney, M. 1991. “Legal Images of Battered Women: Redefining the Issue of Separation”, *Michigan Law Review*, Vol. 90, pp. 1-94.

<sup>845</sup> Family Law Act 1996, section 42. For further details see Harris-Short, S. and J. Miles. 2007. *Family Law: Text, Cases, and Materials*, Oxford: Oxford University Press; Harne and Radford, 2008, pp. 97-105.

<sup>846</sup>Hague, G. and E. Malos, 1993. *Domestic violence: Action for Change*, pp. 39-47.

<sup>847</sup> Hague and Malos, 1998.

discourse on VAW. However although NGOs in Tajikistan are not financially dependent on the government they do not act as independent agents, evaluating, challenging and informing public policies. NGOs in Tajikistan still lack ideological support and political and economic independence. The state and its institutions fail to comply with governmental policies and the implementation of these policies because there is no effective 'third force' to implement, monitor and evaluate those programmes.

This thesis depended on studies conducted in other countries to draw on similar patterns for the understanding of the phenomenon of VAW in Tajikistan, while recognizing the specific nature of VAW in the context of Tajikistan. The reason for this 'external' focus is twofold. The first reason is the lack (or limited number) of works of scholarship that deal directly with VAW in Tajikistan or former Soviet Central Asia. The second reason is that whilst Tajikistan has recently recognized VAW as a social problem, there will be much more work required before effective measures and solutions are directed towards its solution. It is useful therefore to explore the solutions developed in other developing countries, where similar patterns and issues can be observed in relation to VAW. These include South Asia (India), African states (South Africa) and Latino America (Botswana, Guatemala) and Eastern Europe. Salient and common patterns in these countries include the low level of awareness among legal and healthcare professionals regarding VAW, gender issues, harassment from law enforcement officers, social stigma attached to VAW, and the role of the state, NGOs and communities in addressing the issue of VAW.<sup>848</sup>

In order to respond to the need for VAW training for legal offices and health care personnel on domestic violence and VAW in India, El-Salvador and Botswana<sup>849</sup>,

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<sup>848</sup> Walsh, D. S. 2008. "Engendering Justice: Constructing Institutions to Address Violence Against Women", *Studies in Social Justice*, Vol. 2, No 1, pp. 48-63; Carrilo, R. 2002. "Overview of International Human Rights Standards and Other Agreements and Responses of the Judicial System to Violence Against Women", *International Journal of Gynaecology and Obstetrics*, Vol. 78, pp. S15-S20; Stewart, A. 1995. "Debating Gender Justice in India", *Social and Legal Studies*, Vol. 4, pp. 253-274; Gillum, L. T. 2008. "Community Response and Needs of African American Female Survivors of Domestic Violence", *Journal of Interpersonal Violence*, No1, Vol. 23, pp.39-57; Garg, A. 2001. "Countering Violence Against Women in Rajasthan: Problems, Strategies and Hazards", in *The Society for International Development*, Vol. 44, No3, pp. 111-113; Fabian, K. 2010. "Mores and Gains: The EU's Influence on Domestic Violence Policies Among Its new Post-Communist Member States", *Women's Studies International Forum*, Vol. 31, pp. 54-67.

<sup>849</sup> Carrilo, 2002.

programmes for men have been introduced. In India the responsibility of the community has been enhanced.<sup>850</sup> In the case of Guatemala Walsh draws on the important role of women's NGOs to develop a blueprint for a new state institution. This would effectively respond to VAW while also coordinating with state and international institutions to bring pressure and resources to bear on developing effective programmes.<sup>851</sup> These initiatives could be adapted to the specific context of Tajikistan so as to develop effective responses to specific issues such as reducing the level of risk for women and their children, reducing the level of harassment by enforcement officers, and increasing awareness among legal and healthcare professionals and the community as discussed in detail below.

The recommendations below draw on these different attempts developed by other countries. These recommendations are not exhaustive but intended to stimulate discussion. Based on the examples of other countries<sup>852</sup> and the data collected from the field, a multilevel strategy towards VAW is required. This should encompass further research, well-developed law, adequate application of the law, raising awareness about VAW, education programmes for men,<sup>853</sup> and training for different professionals including justice system officers and healthcare personnel. NGOs will have to increase awareness about the complexities of VAW among their employees. Anti-VAW programmes will need to be introduced in schools and universities also. I will first start with recommending further research.

### 7.2.1. Further Research

Efforts by the State and NGOs would be more effective if the factors that give rise to VAW are better understood and efforts are made to change attitudes throughout the society. It is hoped that studies like this can inform public policies and also serve as a foundation for further exploration of VAW in Tajikistan. However VAW is a sensitive

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<sup>850</sup> Stewart, A. 1995. "Debating Gender Justice in India", *Social and Legal Studies*, Vol. 4, pp. 253-274; Gillum, 2008.

<sup>851</sup> Walsh, 2008.

<sup>852</sup> Garg, 2001.

<sup>853</sup> Garg, 2001.

topic and it is essential for researchers to be cautious in their choice of research methods. While conducting a study on VAW where women are subjected to violence for their socially constructed identity as 'women' it is essential to dismantle the term and contextualize the individual lives of women to better understand their experiences and their ways of challenging that oppression (chapter 2).

It is important that girls' experience of violence at home should be studied further. Studies such as that conducted by WHO focus on girls' experiences of violence from the age of 14 years old but it would be useful also to identify girls' experiences of violence under this age. In addition, rigorous research is necessary to better understand the nature and level of violence that girls and women experience from other family members, apart from husbands and mothers-in-law. Furthermore, the role of other institutions such as schools and universities in Tajikistan should be studied. There should be further research to explore the types of violence that girls and women experience in these institutions. Research into the role of these institutions in maintaining gender ideologies and perpetuating violence would also help to develop appropriate responses. Research from other countries illustrates the negative long-term effects of violence on girls and women.<sup>854</sup> This long-term issue is currently disregarded in Tajikistan.

### **7.2.2. Changes in the Legal System**

Another key issue is enforcement of legal provisions. It has been noted above that a proper definition of VAW has to be developed to guide both professionals and the wider community in identifying VAW. It is also important to recognize different forms of VAW currently present in the Tajik context, because of the implications on the development and implementation of public policy and intervention strategies. Increasing awareness of VAW among justice system officers, governmental officials, and non-governmental representatives is particularly important to ensure effective responses. Developing a

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<sup>854</sup> See Stephens, N. and R. McDonald. 2003. "Assessment of Women Who Seek Shelter from Abusing Partners", in J. P. Vincent and E. N. Jouriles (Eds.), *Domestic Violence: Guidelines for Research-Informed Practice*, London: Jessica Kingsley Publishers, pp. 78-101.

working definition should be combined with introducing changes in attitudes, which could contribute to better enforcement of these existing laws in relation to VAW. Policing and prosecution of such crimes can indicate the society's disapproval of such acts. Carrillo discusses the difficulties in ensuring application of laws in relation to VAW in India, Botswana and El Salvador. She observes that enforcement of the law required effective training of all legal officers on domestic violence and other forms of abuse, gender and power relationships and analysis of laws and legal procedures and strategies for approaching victims and perpetrators.<sup>855</sup>

As stated above, there is a need to introduce the remedy of 'restraining orders' against perpetrators of violence. It is also important that all women have access to civil procedures. This access should not be restricted to women in registered marriages. Since not all women victims of violence would like to prosecute their former husband (or any other family member) civil remedies may be more appropriate than criminal remedies when seeking protection.

### **7.2.3. Better Enforcement Through Community Involvement**

There are a number of ways that different countries have attempted to change attitudes to VAW.<sup>856</sup> A common theme is to demonstrate the importance of community involvement in dealing with VAW.<sup>857</sup> This is relevant to the context of Tajikistan. It has been noted that gender norms influence all members of the society in Tajikistan. Chapter 6 already discussed a positive aspect of extended families and the wider community in preventing severe forms of violence against women. Hence, integrating community and increasing community responsibility may contribute to decreasing the level of VAW. The example of other countries, for instance India shows how integrating and increasing community

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<sup>855</sup> Carrillo, 2002, p. s19.

<sup>856</sup> Ortiz-Barreda, G., C. Vives-Cases, D. Gil-Gonzalez. 2011. "Worldwide Violence against Women Legislation: an Equity Approach", in *Health Policy*, Vol. 100, pp. 125-133.

<sup>857</sup> Giustina, J. 2008. "Violence Against Women in Intimate Partner Relationships: Community Responsibility, Community Justice", in *Contemporary Justice Review*, Vol. 11, No4, pp. 351-361; Gillum, L. T. 2008. "Community Response and Needs of African American Female Survivors of Domestic Violence", *Journal of Interpersonal Violence*, No1, Vol. 23, pp. 39-49.

responsibility could help reduce VAW. Giustina explains that ‘an integrated community response would include general community education and awareness, community protection for battered women and their children, community sanctioning of batterers, and a coordinated effort with the police for severe or persistent cases of intimate partner violence’.<sup>858</sup> Clearly in countries like India, African states and Tajikistan community plays an important part, therefore by integrating the community in the eradication of VAW campaign could help to increase awareness of the phenomenon of VAW, as well as provide women with recognition of their suffering. Communities in Tajikistan remain unaware of VAW and its complexities. Therefore both State and NGOs could aim to increase awareness among them. Involving communities and assigning some responsibility to them, combined with increased awareness, could effectively increase women’s safety. Giustina also highlights the role of different groups within the community to co-ordinate an integrated response, including ‘neighbourhood support group’, ‘neighbourhood watch group’ and a ‘residential shelter for batterers’.<sup>859</sup> These groups would be the first resort for women to seek help and obtain necessary information. Stewart draws on the positive aspect of collective monitoring by social organizations in India. The judiciary in India has allowed civil society, in the form of any member of the public or group, to seek judicial redress on behalf of those in a socially and economically disadvantaged position.<sup>860</sup> This system could allow persons or groups in Tajikistan to act on behalf of those women who are unaware of their options under the legal system. This could also help women in Tajikistan as they may avoid harassment from law enforcement officers (discussed in chapter 5.3.3). Stewart also discusses how, in an attempt to reduce State harassment, enforcement of laws is placed in the hands of special police officers whose work is overseen by a Panel made of different actors including women’s organizations.<sup>861</sup> This could provide women victims of rape in Tajikistan with much needed support and the solidarity of other women. These examples

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<sup>858</sup> Giustina, 2008, p. 357.

<sup>859</sup> *Ibid.*

<sup>860</sup> Stewart, A. 1995. “Debating Gender Justice in India”, in *Social and Legal Studies*, Vol. 4, pp. 253-274, p. 265.

<sup>861</sup> Stewart, 1995, p. 265.

demonstrate that different ways of law enforcement could enhance the protection of women. It is essential however that women's groups that engage in such initiatives should receive adequate training to increase their awareness of VAW, gender relations and use and application of the law.

Another important step could be training of healthcare professionals on VAW, given that Tajikistan lacks a sufficient number of forensic units and expertise (discussed in chapter 5.4). Carrillo observes that in cases of rape, health workers could be used to ensure accessibility and availability for women victims of rape and the development of special forensic protocols.<sup>862</sup> This would ensure that women receive a thorough physical examination, the results of which could then be used in prosecution together with appropriate treatment, which was lacking in the case of Mavjuda (chapter 5.4.1).

#### **7.2.4. Programmes for Men**

Programmes for men are implicit in the other recommendations already mentioned above. Evidence shows that not all women in Tajikistan wish to invoke the criminal justice system. Many women prefer alternative methods to prosecution and imprisonment and the above suggestions could offer women such choices. Another way to reduce VAW could be through men's involvement by introducing men's programmes which have been used in different countries.<sup>863</sup> The wish to involve men in the women's movement rests on the belief that society and men are also responsible for eradicating VAW.<sup>864</sup> A number of works focusing on India highlight the positive aspects of involving men in the eradication of VAW programmes.<sup>865</sup> In this study one of the participants Gavar (chapter 6.5) expressed her view that some form of programme would possibly help if men were

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<sup>862</sup> Carrillo, 2002, p. s19.

<sup>863</sup> Harne and Radford, 2008; Carson, E. 2009. "Programmes for Men who Perpetrate Domestic Violence: An Examination of the Issues Underlying the Effectiveness of Intervention Programmes", *Journal of Family Violence*, Vol. 24, pp. 203-212.

<sup>864</sup> Hague and Malos, 1998, pp. 172-174. Roy, through the discussion on masculinity and VAW, draws on the issue of why men need to change. Roy, R. 2001. "The Eyes are Silent ... The Heart Desires to Speak: Exploring Masculinities in South Asia", *The Society for International Development*, London: SAGE Publications, pp. 15-20, pp. 19-20.

<sup>865</sup> Garg, 2001, p. 112.



informed that their actions are wrong. Clearly both men and women in Tajikistan are unaware of VAW and its complexities therefore such programmes may help violent men to understand that what are they doing is unacceptable and a crime. Some remain sceptical about such programmes and criticize them for shifting the focus to men, diverting them from their responsibility for their actions. Many men use this opportunity for self-pity and display a 'poor me syndrome'.<sup>866</sup> In addition, Lee studies programmes for abusive Filipino men and notes that men, particularly in societies with strong patriarchal values, may be particularly sensitive to such programmes as they may perceive them as a direct challenge to their family leadership and basis for 'losing face'.<sup>867</sup> Certainly Tajikistan will have to deal with the negative and positive aspects of these programmes through continuous assessment of their effectiveness, but they could still serve as an alternative option for some women and men.

Furthermore, anti-VAW education could extend to the media and schools and universities, where girls and boys, together with their parents, could be informed of gender stereotypes and VAW. Hague and Malos discuss cultural representation of violence in the UK and USA and argue that if domestic violence is to be eradicated, a large-scale project of transforming societal norms has to take place together with challenging male domination throughout society.<sup>868</sup> In this context, public education and campaigning should challenge societal norms pertaining to the subordination of women.

It is clear that all members of Tajik society have to learn about VAW and gender stereotypes. Hague and Malos cite examples of feminists' works that emphasise the importance of minimizing dominating and violent behaviour in boys and submissiveness in girls.<sup>869</sup> Women and men need to be educated about gender stereotypes and the fact that VAW is embedded in male dominated societies. Both men and women have to learn what constitutes VAW and to name and identify it. Women have to learn that the use of

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<sup>866</sup> Harne and Radford, 2008, 148.

<sup>867</sup> Lee, R. 2004. "Filipino men's Familial Roles and Domestic Violence: Implications and Strategies For Community-Based Intervention", *Health and Social Care in the Community*, No12, Vol. 5, pp. 422-429.

<sup>868</sup> Hague and Malos, 1998, p. 189.

<sup>869</sup> *Ibid.*, p. 191.

violence against other women contributes to the maintenance of oppressive values. This could be achieved through media and education programmes in schools and universities.

Herman notes that women need their society's recognition of their suffering and validation. This recognition could come from family members, the wider community, and justice system officers.<sup>870</sup> Similarly in Tajikistan women seek validation, which should come from their families, legal authorities, governmental agencies and wider community.

As the example of other countries demonstrates, women seek different forms of resolution depending on their own natures, and the severity and frequency of the incident.<sup>871</sup> Similarly women in Tajikistan seek different forms of solutions to their situations. It is important, however, to ensure that women are given choices, whether under civil or criminal laws and that the main priority is the safety of individual women. Women in Tajikistan do not have to come to terms with their situations and believe that 'this [violent behaviour] happened before us and will be the same after us', as noted by one of the participants.<sup>872</sup> It is essential to give women an opportunity to escape an abusive environment.

During the fieldwork for this thesis I encountered the despair of women in my country. They did not believe the future would bring any positive changes to their lives. There was a lack of hope. It is difficult to convey this feeling of living without hope. I tried to place myself in their position. I imagined how hard it might be to live without hope for a life free from violence, without hope that anything will ever change. At times this despair affected my own motivation. While in the field I often asked myself whether there was any point in continuing with this project, whether this study could result in any positive developments for women and whether it could give women any hope for a better future. Because of my own situation and experience I came to realize that change is possible. I

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<sup>870</sup>Herman, 2005, p. 584. Hare, 2010; Gillum, T. 2008. "Community Response and Needs of African American Female Survivors of Domestic Violence", *Journal of Interpersonal Violence*, No1, Vol. 23, pp. 39-57, pp. 48-49.

<sup>871</sup>Fleury, R. E., C. M. Sullivan and D. I. Bybee. 2000. "When Ending the Relationship Doesn't End the Violence: Women's Experiences of Violence By Former Partners", in M. Freeman (Ed.), *Domestic Violence*, pp. 377-400.

<sup>872</sup> Interviewee F30.

was motivated by my belief that the women of Tajikistan deserve a better life. They deserve to have hope for a better future, to hope that their circumstances might change. I hope this study can contribute to changing the lives of women in Tajikistan in three ways.

Firstly I want this study to serve as a foundation for further research into violence against women in Tajikistan. Secondly, as described earlier, state and non-state actors have developed programmes to respond to this phenomenon in Tajikistan. These programmes should be directed at changing the conditions of women's lives. However, for the reasons set out in the thesis, their objectives are often compromised. These programmes need to change. I hope the findings of this study could be used to review the effectiveness of these programmes. The findings should inform the design of programme evaluations. Finally I hope this study could be used to inform more general changes in public policies, and state and NGOs' activities. I therefore intend to disseminate the key findings of this study among NGOs, international organizations, such as the OSCE Centre in Dushanbe and UNDP in Tajikistan, and relevant state institutions. I also aim to present a small part of this thesis at a conference on 'Gender in Central Asia: Nation-Building of Former Soviet States' later this year.

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## **Appendix 1**

## Interview Questions 1

Name:

Gender:

Economic status and position (if applicable):

Age:

Educational background:

Marital status (how long):

Do you live with your parents/husbands' parents?

How many people living together?

Do you have children? How many?

Natal family: size?

Do they live near or far?

Have you experienced violence: from husband/in-laws or other family members? Can you identify please?

Could you please describe the violence?

Where did it happen?

Were you alone or was there someone else?

How did the violence make you feel?

Do you think men have the right to beat women?

Who do you think is most likely to beat women?

Do you think it is common, it happens to everyone?

What do think causes violence?

Is there anyone you talk to about violence?

Who do you talk to about it?

What do you do when you experience violence? How do you cope with it?

Should someone interfere to stop it? Who should it be?

What do you think should be done to stop it?

Is there anything or anybody who can stop it?

What do you think women should do when they experience violence?

How do you feel about reporting it to police?

What is your general opinion about police intervention in such cases?

What would you like them to do?

If you reported it to police what was their response?

Were you satisfied with the way they responded? If no can you explain please why? If yes can you give details please?

Do you know what legal options women have when experiencing violence?

Are you aware of any crisis centres working with women experiencing violence?

If so what is your opinion about them?

Have you visited them? And how you were treated there?

In your opinion what do you think women can do to protect themselves from violence?

What sort of help you think women experiencing violence should receive?

What do you think about women's position in general in society?

Do you think the government is doing enough to protect women from violence?

What do you think about polygamous marriages?

Would you accept your husband's taking a second wife?

Is there anything else you would like to talk about?





## **Interview Questions 2- NGOs employees**

Name:

Gender:

Age:

Educational background:

Marital status:

Position:

How long in the position:

Can you please describe your organization activities?

Do you deal with women who experience violence?

How do you define VAW?

Do you have any guidelines on how to define it?

How would you describe the persistence of VAW in Tajikistan?

Do you think it is common, it happens to everyone?

Why does it happen (in your opinion)?

In your view, who are women most likely to talk to about violence they experience?

Do you think if violence occurs someone has to interfere to stop it? Who could it be?

How do you manage to inform women where to find you or the centre you run?

Do many women come to your organization/crisis centre?

What are the main issues they discuss or seek assistance with?

Do you advise them to report their cases to police?

What would you usually suggest women (who have experienced violence) to do?

In your view how do you think the police would react to cases of VAW?

What cases are most likely to be reported to police?

What does the criminal justice system offer to women who have been subjected to violence?

Do you take women cases to court?

Are there any requirements which cases you represent?

What do you think about the options under the legal system for women?

In your view do the options respond to women's needs?

Are there any obstacles for women to use the legal options available to them in your opinion? What are they?

In your view what do you think could be done to stop violence?

What are the problems in the justice system to deal with violence against women?

What sort of intervention would help?

What could be done to reduce VAW?

Are there any public policies and programmes on VAW that you are aware off?

If so what is your view on that?

Do you think changes in the law are necessary to provide better protection to women?

What sort of changes?

Do you know other NGOs working with VAW or women's issues?

How do you manage to fund your activities and projects?

What do you think about polygamous marriages? Why they take place?

Do you have any other issues you would like to talk about?

### **Interview Questions 3- legal professionals (police, prosecution, judiciary)**

Name:

Gender:

Educational background:

Marital status:

Current position:

Rank:

Years of experience:

How do you understand VAW?

Have you attended cases of domestic violence or VAW? If so can you please describe it?

From your experience which cases are usually reported to police?

What do you think causes VAW?

What is your opinion about wife/woman beating?

In your view do you think it is common, happens to everyone?

Do you think intervention has to be sought? If so what form? If not why not?

When such violence have to be reported?

What happens when a woman reports violence?

What do or would you advise her?

Have you had cases of violence women experience from family members (other than husband)?

What do you think about such cases?

Do you think a husband or other family member has to be arrested for women beating?

Do you think it is right to beat a woman?

Is there a special unit to deal with sexual assault?

From your experience is sexual assault usually reported? If yes, can you please explain what happens after it is reported? If not why not?

Have you come across of cases of spousal assault?

In your view do you think police officers are receptive to women victims?

What do you think of prosecuting for VAW?

What do you think of the punishment foreseen in the criminal code applicable in cases of VAW?

From your experiences which cases most likely to go to court?

What options women have under the legal system: civil and criminal?

In your opinion do you think the legal system can protect women from violence? If yes in what regards? If not what can be done to improve it?

Are there cases when these remedies available to women do not apply?

Do you think any changes in the law are necessary to deal with VAW more effectively?

Are you aware of crisis centres for women victims or women NGOs working on VAW?  
Can you name them?

Have you heard of a shelter for women victims?

Have you heard/been involved in training for officers?

Are you familiar with state programmes addressing VAW?

Are you aware of international conventions Tajikistan has ratified, such as CEDAW?

In your view what is the best way to protect women from violence?

Do you have any other issues you would like to mention?

## **Appendix 2**

## Questionnaire

Name:

Gender: M/F

Age:

Place of residence: Rural/Urban Rural

Marital status:

Do you have any children?

Do you live with your in-laws? (If applicable)

How many of you live together? (If applicable)

Do you have any siblings?

**Have you ever experienced ill-treatment from your family members or in-laws which may have upset you?**

Yes

No

**Can you describe it please?**

**Does it happens often?**

Yes, how often?

No

**Why do you think it happens?**

**Do you think it is common, does it happen to everyone?**

Yes

No

Who is most likely to experience violence?

What should be done in such cases?

Do you think there is any way it can be and should be stopped?

How do you usually deal with it?

Would you tell someone about it?

Who would it be?

If not why not?

Would you take the matter to the police?

Yes

No

Explain please if yes or no

How do you feel the police would respond?

If you reported to police the violence what was their response?

Were you satisfied with the way they responded?

What would you expect from them?

What would you like them to do in such cases?

Does your family (if violence is inflicted by husband or in-laws) know about your situation?

Yes

No

Have they done anything about that?

Yes

No

Describe please if yes?



Was your case taken court? How did you find that experience?

What did you expect from the court?

Are you aware of VAW? How do you understand it? Can you describe it in your own words?

How widespread do you think is violence against women in Tajikistan?

What kind of intervention would help to stop violence against women?

What do you think of the criminal justice system? What is the role of the criminal justice system in your opinion?

What problems you faced when accessing the justice system? (If applicable)

What would you suggest women who experience violence?

Is there anything you would like to add?

## **Appendix 3**

### **Brief Background Information of Key Informants**

**Dilovar** (FJS4), the head of the Investigation Unit in the Prosecution Office (a male with 8 years' experience), is in his mid 30s and works as the head of an investigation unit. He is married and has two children. He did not plan to become a prosecutor but his father was a prosecutor and when he died because of a heart attack Dilovar felt he had to follow his father's career. Dilovar has another brother. After the death of their father they both felt it to be their duty to look after their mother. Although Dilovar is younger than his brother, he cannot stay with his mother because he works in another city, and it is therefore his brother who stays with their mother, but Dilovar visits during his holidays. He married when he had just graduated university and started his work in another city. His mother thought that if he married his wife would look after him, but he didn't want to disappoint his mother so he agreed. His mother chose a wife for him and Dilovar was fine with it because he thought she would know better how to identify a good wife and daughter-in-law. His wife's family and his mother had known each other even prior to their marriage. His wife comes from a respectable family, from a village where Dilovar's mother was originally from before she and his father moved to city. Neither Dilovar nor his wife knew each other before their marriage, but neither of them disagreed with their parents' choice. They have two sons now and Dilovar provides for the family. His wife is at home with their children, but she learnt to sew traditional dresses and whenever she has time she makes them for people and earns money in this way.

**Gulanor** (FJS4), the Deputy to the Prosecutor in the Regional Prosecution Office (a female with 12 years' experience)

Gulanor is in her early 40s, single and living with her parents, her brother and his family because she cannot afford to buy her own place. Gulanor has three brothers and one younger sister. Gulanor is still single because she 'hasn't found the husband she likes'.

After finishing her secondary school Gulanor left for the capital city to continue her education. She failed the first year but succeeded the next year and studied at the Department of Languages, but the civil war started and she returned back to her city. During that time it was hard to find employment but her father used his connections and helped her to find a job in the prosecution office as an assistant. After a couple of years, she enrolled in a law programme as a part-time student. This was necessary for moving up the career ladder. Upon graduation she was promoted to the assistant of the prosecutor's deputy. This opportunity allowed her to finally become the deputy of the prosecutor after few years. She is the only woman in her department. She was invited by NGOs to facilitate programmes for women on trafficking and family law in Tajikistan. These NGOs also gave her access to exchange programmes, which gave her a chance to travel to some western countries such as the United States, Germany and Poland.

**Gulru** (F25), a thirty-two-year-old, married, working woman with two children. Gulru is the youngest sister among her siblings. Her parents wished to have a son but never did. Since there was no son, her father taught her driving a car, playing football, etc. She has three more sisters. They were very close to each other and would tell each other everything that happened to them. Gulru used to have several suitors and her sisters would advise her who she should pay more attention to. Now all her sisters are married and have children. They do not see each other that often.

Gulru went to a Tajik speaking school. She liked her school and had many friends there. After completing her secondary school, Gulru entered a university and completed her studies with good marks. She was not very successful at first with finding a 'good' job but finally managed to secure a position with an international organization. She liked her job but it meant lots of travelling which was fine while she was not married. After she got married, she had to move to another position though within the same organization. Gulru and her husband used to go out before they got married. Her parents agreed to their marriage because he did not drink, didn't have bad habits and had a job. Her husband also works for an international organization. She lives with her parents-in-law, two brothers-

in-law and their families and three sisters-in-law who are unmarried.

**Jamila** (F13) is in her mid-40s with three children and separated from her husband. She is her parents' only daughter and she also has four brothers. Her father worked as a builder and her mother worked as a cleaner in hospital. She went to secondary school in her own village but to get her higher education she went to the capital city – during the Soviet era, universities were only located in the capital cities. Her mother travelled with Jamila to the capital city. She applied two years in a row and was not accepted on both occasions. So she decided to go to school where she learnt sewing. Upon completion Jamila returned to her village. She could not make use of training and instead found a job as a chef's assistant in a hospital kitchen. She had never met her husband before marrying him. Her husband's father and Jamila's father were friends and they agreed to marry their children. Jamila did not mind, as she heard about her future husband from other girls who considered him handsome and a good catch. Upon marrying Jamila moved to her husband's parents' house. She continued working in the hospital. Her husband continued working as a driver. Even when the Soviet Union collapsed Jamila did not lose her job, whereas her husband did as their office was closed. But he bought a car and started his own business, taking people from one city to another. Jamila gave birth to a daughter and two sons. Her parents-in-law were very close to her children.

Jamila's relationship with her husband was not easy because he had relationships with other women on several occasions. Many times she left him, going back to her parents' house, but every time her mother-in-law or father-in-law would come and bring her back. Jamila would have occasional quarrels with her mother-in-law because of her constant comments about housework. The last time Jamila had a quarrel with her mother-in-law, she went back to her parents' house and could not come back to her husband's place any more as her husband did not want it. Jamila's father has died and she has only her mother left. Jamila's brother, his wife and their four children also live in her house. Since he is the youngest son in the family, the parents' house belongs to him now. Jamila's daughter is now grown up. She finished her secondary school and also lives with

Jamila at her parents' house. Jamila wishes to give her daughter higher education but lacks financial resources and connections for that. Jamila's sons are in Moscow as labour migrants. They send money to their mother to support her.

**Jamol** (F5) is 32 years old, and has been married for four years. Jamol was brought up by her grandmother and grandfather because her mother had had her before marriage and in order to avoid people speaking badly she gave her Jamol to her grandmother and grandfather. Jamol called her grandmother her mother. When she was growing up her grandmother and grandfather did everything for her. Jamol was quite popular in her school and always had her friends over. Her grandparents/father and mother were always very nice to her friends. Even when Jamol went to university Jamol did not have problems going to birthday parties as many other girls did. Jamol was popular among boys as well and always had suitors. Jamol studied law and wanted to work in the police but soon her mother/grandmother and her father/grandfather died and Jamol did not feel supported anymore. Her real mother wanted to look after Jamol but Jamol did not feel connected to her. Jamol decided to leave the country and become a labour migrant.

**Lailo** (F12) is in her late 30s, and now divorced with two children. She comes from a large family. Her family used to live in a village but soon after she finished school she moved in to live with her eldest sister in town. They are six sisters and one brother. Her parents worked in the village school as teachers. She is the youngest among her siblings. She married after she received her university degree. Lailo and her husband knew each other before they got married. They were in the same school and she always liked him and finally they started going out.

After their marriage Lailo moved to her parents-in-law's house where her husband's sister and brother lived too. Neither his sister nor brother were married. Lailo used to go to the market and sell some goods, but she got married and stopped doing that, because it was not good for her and her child to stand on concrete in cold weather. After her first child

she found a job but her husband did not like it because she was waitressing in a restaurant and was coming back home late. Lailo stopped for a while because her husband's brother was working and supporting the whole family. After some time Lailo got pregnant with her second child. After her second child turned two Lailo found another job but her husband did not like it.

**Modavlat** (F30), a sixty-year-old mother of eight children (with five daughters-in-law and three married daughters) who had thirty-eight years of work experience in a city court, accepted the full responsibility of domestic duties, despite her full-time work commitments

Modavlat was the only sister in her family. Her parents had eight children and only four of them survived and very soon her sister died too, so it was her and her brothers. Modavlat was born in the early years of the Soviet Union and explained how at school they all had to take physical training class and girls played volleyball while wearing their traditional clothes, which made it very difficult. Her family was poor and very often she would be bought shoes only just before her studies began; the rest of the time she would walk barefoot.

When she was younger she wanted to continue her studies after completing secondary and high school, but her father was against it and on completing her studies she was married off. Modavlat married an educated man, but his high position meant he was away most of the time and Modavlat had to cope with everything herself. On top of that she worked full-time and during the Soviet era maternity leave was only one month. Modavlat believes that higher education is important and therefore wanted all her children to obtain higher education.

Modavlat remembers that her husband was very fussy in terms of his clothes. He was a very well-educated and held a high position. He always wanted to look clean and tidy and she had to make sure that all his clothes were always clean and ironed. Also, she always had to make sure that his food was always ready and whenever he was home,

children should not make noise because he needed to rest. Modavlat remembers that once one of their sons was so ill that did not sleep the whole night and Modavlat was holding him all night without having a wink and in the morning she had to go to work. It was like that for a few weeks. Modavlat remembers that she got so tired once that while holding their son she fell asleep and did not hear him crying at night. Her husband woke her up saying that the boy's cry was waking him up and he needed to sleep.

Modavlat remembers that during their life together her husband only slapped her once, but she also remembers that she did not dare to say anything about her husband's mother or sisters otherwise she would have been in trouble. She did it once and was slapped. Since Modavlat did not have a higher education she considered herself lucky to find a job as a receptionist at first. However, with years she managed to get promotions. Modavlat worked in court but never considered that it was sensible to tell someone or involve third parties if one's husband was slapping his wife.

Modavlat retired recently because of her health condition, as did her husband who is ten years older than her. Modavlat considers that it is better if children have an opportunity to separate from their parents when they marry; that way there would be less tension between parents and children and their spouses. Modavlat does not want to see her sons beating their wives, but thinks it's possible between spouses. Modavlat is in charge of the household and does not like asking her daughters-in-law to do something. She believes if they are well-taught they would know what to do and how to do it.

**Nargis** (F25) is in her early 40s. She obtained her degree with distinction but her father did not want her to continue her studies. Instead Nargis started working as a nurse. She has been married for 14 years. Nargis comes from a large family, with five sisters and two brothers. Her parents were both professionals and worked in the field of education. Nargis is the youngest in her family. Since her parents were at work when she was young, her elder sisters looked after her. When Nargis was in her 20s all her sisters left as they got their own families and she was the only one staying with her parents. Her brothers



were in different cities of the Soviet republics; they would come and go from their parents' house. After Nargis finished her training as a nurse she started working. She was sent to work in a very remote place. After her father became ill she asked to be transferred to her hometown and started working in a hospital there. She met her husband through a friend. Her future husband saw her, liked her, and proposed to her, but Nargis did not want to accept at first. She did not go out with him, but they stayed in touch, as Nargis realized she had to marry and her future husband did not seem a bad man. After a few months Nargis agreed to marry him and her parents did not mind as her husband came from a 'respectable' family. On their marriage her husband was given two rooms in a communal house by the company for which he worked, and that's where she lived with her husband and her son. Eventually her husband managed to buy a place of their own.

**Nigora** (F18) is a 42 years old, married with three children, two daughters and a son. Nigora comes from a large family; she has seven brothers and two sisters. Her father is a retired engineer and all her siblings have higher education, except for Nigora who only completed school, where she studied accounting. All her life Nigora has been living in her small town far from the centre. For her studies she had to travel to the capital city, after completing which and returning to her place she never left it again. Her future husband saw her somewhere and since it was a small place it was not difficult to find Nigora and her contact number. He pursued her for five years. Nigora kept saying no to him, but in the end she agreed to marry him. Her future husband did not have any degrees, and worked as a driver in a hydro-electric station. Therefore, when his parents came to ask Nigora for marriage for their son, her brothers were against it. They did not think he was a good suit for their sister but their parents, despite agreeing, had already said yes to Nigora's future husband's parents, and her brothers had to accept it. When Nigora was younger her brothers – who were older than her – looked after her; they would defend her in school and even would help her with housework. They were very protective of her.

After her studies Nigora's father helped her to find a job in local municipality as an accountant. When Nigora got married she did not stop working. She continued working in the same place through the civil war and transition period. She is still currently working in the same municipality. Nigora and her husband lived with his parents until they both died. Nigora could not have any children for five years. She had two miscarriages. She blamed herself and tried every sort of treatment possible, including traditional ones. Eventually, she gave birth to two daughters and a son. Her husband was always jealous, and did not want her to stay at work till late or go out without him. He even spied on her and accused her of flirting with other men, and because of that always hit her. During the transition period her husband became very 'religious', which was strange as before he used to drink. He became a religious clerk and in order to keep his image he demanded that Nigora 'behave' in order to keep his honour; if she failed, he would beat her. Even though her brothers were very protective of Nigora before, they would not interfere in her family life. Besides, Nigora did not want to tell them about her relationship with her husband. She was also concerned that they would judge her for agreeing to marry her husband, since it was Nigora who chose her husband. Therefore, several times when she left him, she did not feel comfortable telling her family that she had left him because of his ill-treatment. Nigora only said that she had come to visit her parents and would not say when she would leave. But on the last occasion when her brother asked how long she was going to stay and whether she intended to remain without a husband and bring shame on her family, she left her parents' house and never tried to leave her husband again.

Nigora's daughters and son are grown up now and help her with the housework. They also interfere if they hear a quarrel between their parents. Currently, Nigora continues to stay with her husband.

**Nina** (F11) is in her early 50s. She had two brothers and four more sisters. All her siblings are married and have children. She came from a wealthy family. Her father had a very high position in the government during the Soviet era. Nina's father met his wife, Nina's

mother, during one of his business trips. Nina's mother was an orphan living with her elder sister, who agreed to marry her to Nina's father for a sack of rice and flour, because at that time her elder sister had her own children and also had other siblings living with her to take care off. Nina's mother did not mind. Her husband helped her to obtain a secondary and subsequently a higher education. She was the only one among her siblings who could write and read. Nina's mother died giving birth to one of her children and their father got stuck in today Badakhshan of Afghanistan when the border of Afghanistan and Tajikistan was determined and closed. Many families lost their family members when the border was closed. Nina's father was also an orphan. Nina's father was not loyal to his wife and had relationships outside his marriage and if her mother said something he would ill-treat her. Nina remembers spending lots of time outside home when she was younger if there was quarrel between her parents. Nina was angry with her father for how he behaved with her mother but she had to combine this feeling with the sense of duty and loyalty to both her parents. Therefore, she had to respect and look after her mother as well as her father equally as they aged.

Nina's childhood was different to her mother's. They lived in the city and she went to a Russian-speaking school, and was highly educated. Nina obtained her higher degree in philology. She completed her degree with a distinction. Upon completing her studies she worked with disabled children.

Nina met her husband through one of her cousins. Her cousin would come to Nina's house with his friend, and that's how the two of them fell in love. At first her father and mother were not very happy to let Nina marry her future husband, but when he came to ask them they did not say no. Her husband kept telling Nina that the image of a man depends on his wife – how well she looks after him and serves him and his friends if they come home. Her husband also had a high position in the prosecution office, so she never felt they had any need for money. They also lived separately from his family. It was only in the late 1990s and early 2000 that their family also felt a shortage of financial resources. Nina always had to serve her husband and his friends and if she showed any sign of 'disrespect' her husband would hit her. Nina did not say anything to her mother,

because she did not want to worry her. The only person she would talk to about what was happening in her household was her younger sister. Her younger sister would always listen to her and when she was not married she would sometimes stay with Nina and help her with housework and look after Nina's children.

Nina's children also went to Russian-speaking schools and the elder ones obtained a higher education, one as a lawyer and another as an economist. Neither Nina nor her daughters were forced to wear traditional dresses; they felt comfortable with 'Russian clothes', especially during the Soviet era. Nina's father was not against it when she was younger, and when she got married her husband was not against it too at first. Later when Nina began to feel more comfortable with traditional clothes, this did not anger her husband either. But her husband did not say anything about his daughters wearing 'Russian clothes'. However, if he considered that they 'misbehaved' he would beat them with his belt.

After what happened to her daughter Nina stopped working and is looking after her younger daughter. Her husband also retired and they live on his pension.

**Said** (MJS8) is from a big family, in a village. Said has four sisters and three brothers. He had to help his father in the field from the age of 6. He did not like to do this and his father kept telling him that if he didn't want his life to be like this he would have to study hard and leave the village. He tried but it was not always easy for him. When Said finished school his elder brother left for university in the capital city, and Said joined him. One of their cousins was also there and Said asked him to find him a job. His cousin helped Said to get a job with the police unit. He entered university as a part-time student and still continues his studies. After few years of working in the police he managed to earn some money and with the financial assistance from his parents and brothers he managed to marry. He married someone from his own village. He 'trusts' girls from village more than girls from the city. He now has two children and lives in the city.

**Sitora** (F24) is 38 years old. She had been married for eight years before her divorce. Sitora's father left her and her mother when Sitora was only one years old. She does not have any other siblings. Sitora knew her husband but he was not regular in his contact with her. Her mother was a doctor and she supported herself and her daughter. They also received child support. Sitora's uncles also played an important part in their life. Most of the time Sitora and her mother lived with her elder uncle. When the state provided her mother with an accommodation, Sitora and her mother moved to this flat and started living on their own. Sitora went to a Russian-speaking school during the Soviet era because her mother thought she would obtain better education and would succeed better with the Russian language than with the Tajik language. Sitora was not bad at secondary school but she was not one of the top students either. When she was a teenager she liked going to cinema with her friends and there they met boys and that is how Sitora managed to meet her boyfriends. While Sitora was a teenager she would not tell her mother about her boyfriends but as she grew older she would tell her. Sitora finished her secondary school and could not apply to university because of the civil war in Tajikistan. She and her mother had to seek refuge outside the capital city. They found refuge in a small, remote city, where they lived with Sitora's grandparents (her mother's parents). Sitora entered a university there. During her studies she met her future husband. He also studied at the same university but was one year ahead of Sitora. Everyone knew about their relationship. At university Sitora was an active student, participating in extra-curricular programmes and volunteering with community groups. At the same time, she did not want to do anything that would raise doubts about her future husband about her behaviour.

After Sitora graduated they got married, but her husband's parents were not happy about Sitora and were at first opposed, because they did not consider her to be from a 'good' or 'respectable' family. But Sitora's husband insisted, so they eventually relented. Sitora's parents-in-law bought a flat for the newlyweds. Sitora and her husband both worked. Soon Sitora's husband started drinking and developed an addiction that started causing problems in the family. Sitora has given birth to three children but never stopped

working. She worked with international organizations, which allowed her to earn better than if she worked in public or state institutions. While Sitara was married her mother lived with them. Sitara's husband never hit her but they had lots of arguments and Sitara wanted to hit him many times, so she would throw things at him. Towards the end, Sitara's husband started using force when they quarrelled. It was Sitara's decision to leave her husband. Her parents-in-law supported her and let her and her children keep the house. Sitara's mother continues to stay with Sitara and helps her to look after her children. Her husband married again. Sitara had another man in her life after the divorce but he was married and soon ended the relationship with her. Currently she works for an international organization and is better off compared to other women in Tajikistan.

**Shamshod** (F14) is in her late 30s with two children, and is divorced. She was the seventh child in her family. She had four elder sisters, two elder brothers and one younger brother. Since she was the youngest among her sisters, they cared for her and looked after her and she had to listen to everything they told her. Shamsia did not like going to school very much, but she didn't miss any classes because her mother was a teacher. Shamsia was born into the family of a teacher and a worker 'rabochiy'. Her father died when she was quite young. She didn't like seeing her father coming home drunk and fighting with her mother. One night their uncles came and informed her and her mother that Shamsia's dad had died. He used to drink a great deal and one time he left work, went drinking and was found dead later on.

After her father died, the eldest brother took his place. He worked and looked after all of them. He managed to send all of his sisters to universities, which was not easy because there were many of them. They all in turn helped each other and it was Shamsiya's sister who helped her with finding a university for her and helping her with applications, etc. Shamsiya married late, when she was 30 years old. Her mother and sisters kept telling her that she needed to marry so she finally gave up and entered an arranged marriage. She saw her husband on the wedding day and was a bit shocked, but after living with him she finally developed feelings for him. They have two children, but Shamsiya realized she

wanted more in life and wanted to leave the country, whereas her husband couldn't. He was the youngest child in his family and had to look after his parents. Shamsia did not wait for him and left the country. She found a well-paid job but thinks if she returns back to Tajikistan she would not be happy as she does not have a husband. Her husband married another woman one year after their divorce.

**Zahro** (F19) is a 19-year-old student who is currently studying International Relations and therefore interested in learning foreign languages. She has another sister who is younger than Zahro. They live in a city. Zahro's mother works full-time as a nurse and her father works as a security guard. They don't earn a lot and therefore Zahro tries to find foreign language classes for free to study, but it's not always easy. Zahro and her sister are very close. They tell each other when a boy calls one of them, when they fall in love. But they also do not wish to behave in a way to disappoint their mother and father. When Zahro was younger she saw how her father shouted at her mother. She and her sister were very scared but now they are older they are less scared. Zahro and her sister (there is only one year between them) wish to leave their hometown because they think there is nothing for young people there, but there is no opportunity. Zahro thinks that when she finishes (if she does not find a job) she would leave for Russia, as many do, to become a labour migrant.

**Zubaida** (F16) is 36 years old, married and has three children. Zubaida has three brothers and one more sister. Both her mother and father used to work in a local library. Zubaida is second eldest among her siblings. Her sister was very quiet when they were in school whereas Zubaida was always fighting with other boys and girls. Because of her nature no one dared to mess around with her and her brothers and sister. Even when she grew up boys did not dare to come and talk to Zubaida, but soon Zubaida changed because she realized she needed to marry and that's how she managed to meet her future husband. She used to go out with her future husband and he promised to marry her. He came from

a respectable family so Zubaida was pleased about her choice. Her parents also knew his family (not in person, but by renown) and were pleased that their daughter would be marrying him. She now has three children with him. She does not have a full-time job but cooks and sells cakes and other bakery stuff. Her husband works full time and has a demanding job. He also inherited a small piece of land where they are building a bigger house so that there is enough space for them and their children.